

Cite as 2018 Ark. 230

SUPREME COURT OF ARKANSAS

IN RE AMENDMENTS TO
ADMINISTRATIVE ORDER NO. 8

Opinion Delivered: June 21, 2018

PER CURIAM

The Supreme Court Committee on Automation is recommending amendments to Administrative Order Number 8.

The notes at the conclusion of the order further discuss the amendments. The proposed amendments are being published for comment. The proposed changes are set out in “line-in, line-out” fashion (new material is underlined; deleted material is lined through).

Comments on the suggested rule changes should be made in writing before September 1, 2018, and they should be addressed to: Stacey Pectol, Clerk, Supreme Court of Arkansas, Attn.: Administrative Order No. 8, Justice Building, 625 Marshall Street, Little Rock, Arkansas 72201.

Administrative Order Number 8. Forms for Reporting Case Information in all Arkansas Courts

Section I. Scope.

a. In every action filed in the circuit courts, a form designed for the uniform collection of case data shall be ~~completed and filed~~ submitted with the initial pleading and again at final disposition. The forms shall be used in assigning and allocating cases and to collect statistical case data. The forms shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or the rules of this Court. ~~This Order in no way affects the use of the Sentencing Order~~

~~(which refers to the Sentencing Order effective January 1, 2012, and the former Judgment and Commitment Order or Judgment and Disposition Order in judicial proceedings as authorized by Court Rule or statute.~~

b. In the event that a jurisdiction has implemented electronic filing pursuant to Administrative Order Number 21, the Administrative Office of the Courts shall have the authority to waive the utilization of the forms required by this order to the extent that the information can be submitted through the electronic-filing system.

Section II. Responsibility for forms.

a. *Administrative Office of the Courts.* The Administrative Office of the Courts (AOC) shall be responsible for the content and format of the forms after consultation with other appropriate agencies or as may be required by law. The AOC shall be responsible for training in the use of these forms and for initial dissemination of the forms.

b. *Court clerk.* For the purposes of this administrative order, court clerk means an elected circuit clerk in whose office a pleading, order, judgment, or decree is filed, as well as any deputy clerks in those offices. Court clerk also means any county clerk who serves as ex officio clerk of the probate division of the circuit court pursuant to Ark. Code Ann. § 14-14-502(b)(2)(B) for this limited purpose.

The court clerk shall not accept an initial pleading ~~which~~ or final order that is not accompanied by the appropriate completed form, except as provided elsewhere in this order. The court clerk shall maintain a supply of forms to ensure their availability to attorneys or pro se self-represented litigants. The court clerk shall ~~weekly forward a copy of report the forms which have been filed~~ data electronically to the AOC unless.

c. *Attorney or self-represented litigant.* The attorney or self-represented litigant filing the initial pleading is responsible for completing the appropriate form and submitting it with the pleading. The attorney or self-represented litigant submitting the final order, or trial court clerk or other official staff as designated by the court, shall complete the disposition information on the appropriate reporting form, and that form shall be submitted to the court clerk.

~~—c. Multiple claims.~~

Section III. Procedure.

a. *Completeness.* Forms accompanying the initial pleading shall be sufficiently complete to enable identification of the parties and to provide essential case information. Forms accompanying final orders shall be sufficiently complete to allow the clerk to enter accurate information to close the case.

b. Retention. Except as provided elsewhere in this order, once data have been entered and transmitted electronically to the AOC. ~~Those counties which report electronically should not send copies of the paper forms unless specifically requested to do so, forms may be discarded and shall be excluded from public access as permitted by the AOC. These forms shall replace all forms currently used for reporting case data to the AOC. For the purposes of this Administrative Order, court clerk means the elected circuit clerk, or his/her deputy clerks in whose office a pleading, order, judgment, or decree is filed, except in the event probate matters are required by law to be filed in the office of county clerk, then the term clerk shall also include the county clerk for this limited purpose.~~ Administrative Order No. 19.

c. Civil, probate, juvenile, and domestic-relations cases. If a complaint asserts multiple claims which involve involving different subject matter divisions ~~of the circuit court~~, the cover sheet for ~~that division which is the type of case most definitive of the nature of the case should be selected and completed.~~ submitted. Attorneys or ~~pro se~~self-represented litigants should be cognizant that claims that are wholly unrelated may be severed and proceeded with separately under Rule 18(b) of the Rules of Civil Procedure.

d. ~~a.~~ Criminal cases. A separate cover sheet shall be provided for each defendant. The office of the prosecuting attorney shall be responsible for ~~completion of the criminal information form and for filing it in the Office of the Circuit Clerk who shall forward a copy to the AOC pursuant to SECTION II.b.~~ Upon conviction and sentencing to the Arkansas Department of Correction, the office of the prosecuting attorney shall be responsible for completion of completing either the Sentencing Order; or the Reporting Form for Defense-Related Dispositions for each case, accounting for every charge in the initial or any amended pleading. The ~~Order~~appropriate form shall be submitted to the circuit judge for signature and filed ~~in~~ with the Office of the Circuit Clerk, court clerk. The clerk shall ~~forward a copy~~ report the data electronically to the AOC pursuant to SECTION (II)(b). ~~and and forward a copy of the form~~ to counsel of record for the defendant.

When ~~the final disposition does not result~~ any charge results in a commitment to the Arkansas Department of Correction ~~but may include or~~ any of the following--probation, suspended imposition of sentence, commitment to ~~the Department of~~ Arkansas Community Punishment Correction or to the county jail, a fine, restitution, and/or court costs--~~the office of the prosecuting attorney shall be responsible for completion of--~~ the Sentencing Order, ~~which shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk. The clerk shall forward a copy to the AOC pursuant to SECTION (II)(b). and to counsel of record for the defendant.~~ shall be submitted.

When ~~the case every charge~~ is dismissed or nolle prossed ~~because of the speedy trial rule,~~ the case is transferred, or the defendant is acquitted, including an acquittal resulting from the office of the prosecuting attorney shall be responsible for completion of defendant's mental disease or defect, the Reporting Form for Defense-Related Dispositions ~~which shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk.~~

~~The clerk shall forward a copy to the AOC pursuant to SECTION II.b. and to counsel of record for the defendant.~~

The Sentencing Order and Reporting Form for Defense-Related Dispositions should not be discarded, and they are publicly accessible under the terms of Administrative Order 19.

~~— b. Civil, Probate, and Domestic Relations cases. When an action is commenced, the attorney or pro se litigant filing the initial pleading shall be responsible for completion of the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept the pleading unless it is accompanied by the reporting form. The court clerk shall file the original in the case file and shall forward a copy of the reporting form to the AOC pursuant to SECTION II.b.~~

~~— When the final order/decree/judgment is presented to the court clerk for filing, the clerk or other appropriate official as designated by the trial court shall complete with the assistance of the parties and their attorneys the disposition information on the original form in the case file. The court clerk shall not file and enter the order unless it is accompanied by the completed reporting form. The court clerk shall sign, date, and forward a copy of the completed reporting form to the AOC pursuant to SECTION II.b.~~

~~— c. Juvenile cases. When an action is commenced, unless otherwise designated by the judge, the attorney or pro se litigant filing the petition shall be responsible for completion of the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept an initial pleading unless it is accompanied by the reporting form. The court clerk shall forward a copy of the reporting form to the AOC pursuant to SECTION II.b.~~

~~— Pursuant to A.C.A. § 16-13-603(d)(2), the judge shall designate a staff person who shall be responsible for completing the disposition information on the appropriate juvenile reporting form when an order is entered and forwarding the form to the court clerk for filing. The court clerk shall not accept the order unless it is accompanied by the reporting form. The court clerk shall sign, date, and forward a copy of the reporting form to the AOC pursuant to SECTION II.b.~~

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Forms
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~~REPORTING FORM FOR DEFENSE RELATED DISPOSITIONS~~
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{See Administrative Order Number 8, Section III (a)}

~~IN THE _____ COURT OF _____~~

~~COUNTY, ARKANSAS~~

~~_____ DIVISION~~

~~State of Arkansas _____ CASE NUMBER _____~~

~~v.~~

~~_____ ENTRY DATE _____~~

~~(Defendant's Full Name)~~

~~Arrest Tracking #: _____~~

~~SID # _____~~

~~(Date of Arrest) _____ (Date Information Filed) _____~~

~~Count # _____ A.C.A. § _____~~

~~[WHEN MULTIPLE COUNTS ARE INVOLVED, PLACE THE COUNT # (NOT "X" OR
"_____")~~

~~ON THE LINE BELOW THAT APPLIES TO EACH COUNT]~~

~~Non Trial _____ Bench Trial _____ Jury Trial _____~~

~~Acquitted _____ Acquitted because of Mental Defect _____~~

~~Transferred _____ Transferred to Juvenile Court _____~~

~~Dismissed with prejudice because of speedy trial rule _____~~

~~Nolle prossed because of speedy trial rule _____~~

~~This Form was submitted by: _____~~

~~(Signature of Prosecuting Attorney)~~

~~—
(Circuit Judge)
I certify this is a true and correct record of this Court.
Date: _____ Circuit Clerk/Deputy: _____~~

Notes to Amendments (20__).

The amendments involve simplification, clean up, clarification of old language, and changes resulting from the adoption of the new cover sheets and disposition sheets in 2017.

Section (I) eliminates some obsolete language and adds a paragraph contemplating the ability to submit coversheet information through the electronic filing system. When all data is received through eFlex, a cover sheet will not be required.

Section (II) adds clarifying language to the meaning of “court clerk” consistent with Amendment 80. Most significantly, the change requires clerks to report electronically to the AOC so that the AOC can end the receipt and data entry of paper from courts. This section also clarifies who is responsible for completing the cover and disposition sheets.

Section (III) a clarifies completeness required in order to decrease the number of improperly rejected filings by clerks. Section (III)(d) requires a separate criminal coversheet for each defendant and clarifies the requirement for Sentencing Orders and the Reporting Form for Defense-Related Dispositions. Cover sheets and disposition forms are not required to be filemarked or retained. Sentencing orders and Reporting Forms for Defense-Related Dispositions must be filemarked and retained. The form for Defense-related Dispositions is no longer appended to this order and, as with other forms, are available on the court’s website.