

Cite as 2018 Ark. 285
SUPREME COURT OF ARKANSAS

IN RE AMENDMENTS TO ADMINISTRATIVE
ORDER
NO. 8

Opinion Delivered: October 11, 2018

PER CURIAM

The court published for comment the Supreme Court Committee on Automation's proposed amendments to Administrative Order No. 8. See *In re Amendment to Administrative Order No. 8*, 2018 Ark. 230 (per curiam). We adopt the amendments effective January 1, 2019, and republish the order as set out below.

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 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.

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 or final order that is not accompanied by the appropriate form, except as provided elsewhere in this order. The court clerk shall maintain a supply of forms to ensure their availability to attorneys or self-represented litigants. The court clerk shall report the data electronically to the AOC unless otherwise permitted by the AOC.

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 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.

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, forms may be discarded and shall be excluded from public access as permitted by Administrative Order No. 19.

c. *Civil, probate, juvenile, and domestic-relations cases.* If a complaint asserts multiple claims involving different subject matter divisions, the cover sheet for the type of case most definitive of the nature of the case should be submitted. Attorneys or 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. *Criminal cases.* A separate cover sheet shall be provided for each defendant. The office of the prosecuting attorney shall be responsible for 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 appropriate form shall be submitted to the circuit judge for signature and filed with the court clerk. The clerk shall report the data electronically to the AOC pursuant to section (II)(b) and forward a copy of the form to counsel of record for the defendant.

When any charge results in a commitment to the Arkansas Department of Correction or any of the following--probation, suspended imposition of sentence, commitment to Arkansas Community Correction or to the county jail, a fine, restitution, and/or court costs--the Sentencing Order shall be submitted.

When every charge is dismissed or nolle prossed, the case is transferred, or the defendant is acquitted, including an acquittal resulting from the defendant's mental disease or defect, the Reporting Form for Defense-Related Dispositions shall be submitted.

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 No. 19.

Notes to Amendments (2019).

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 file marked or retained. Sentencing Orders and Reporting Forms for Defense-Related Dispositions must be file marked and retained. The form for Defense-Related Dispositions is no longer appended to this order and, as with other forms, is available on the court's website.