

**LOCAL RULE 40.1**  
**ASSIGNMENT OF ACTIONS AND PROCEEDINGS**

(a) All civil and criminal actions and proceedings shall be assigned by a random selection process as the judges from time to time direct.

(b) No person shall take any action designed to cause the assignment of any proceeding to a particular judge. The method of assignment shall assure that the identity of the assigned judge will not be disclosed by the Clerk, nor by any member of his staff, nor by any other person, until after filing. It shall also be designed to prevent any litigant from choosing the judge to whom an action or proceeding is to be assigned. Any attempt by any attorney to vary this intent shall constitute grounds for discipline, including disbarment.

(c) Voluntary Nonsuits. When the plaintiff takes a voluntary nonsuit in a case and subsequently refiles that same case, the Clerk will assign it to the judge who handled it at the time of the entry of the nonsuit order.

To assist the Court and the Clerk's office in carrying out the provision of this rule, the refiled complaint shall contain a brief paragraph identifying, by style and case number, the former proceeding in which the voluntary nonsuit was entered and the name of the judge handling the case at the time of the entry of said voluntary nonsuit order.

**NOTE:** Attorneys practicing in the Eastern District of Arkansas should consult General Order 39 (attached) for further details on the application of this rule in special situations.

(a) and (b) Adopted and effective May 1, 1980

(c) Adopted and effective July 16, 1980

Note Adopted and effective September 24, 1992