IN THE CIRCUIT COURTS OF THE
FIRST JUDICIAL CIRCUIT OF ARKANSAS

ADMINISTRATIVE ORDER NUMBER ONE CONCERNING THE DESIGNATION OF DIVISIONS AND THE MANAGEMENT OF CASELOADS

Effective January 1, 2009

I. PREAMBLE:

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the Circuit Judges of the First Judicial Circuit of Arkansas establish and promulgate the following Administrative Order for the purpose of judicial administration, the designation of divisions, and the management of caseloads of the divisions. This Administrative Order shall remain in effect until vacated by the First Judicial Circuit Judges or the Arkansas Supreme Court.

The first Judicial Circuit consists of six (6) counties. They are, Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff. There are currently five (5) judges serving this circuit. The current judges and the division they hold are as follows:

Judge L.T. Simes, II	Division 1
Judge Richard L. Proctor	Division 2
Judge Bentley E. Story	Division 3
Judge Kathleen Bell	Division 4
Judge Ann B. Hudson	Division 5

II. DIVISIONS

A. Each of the five (5) circuit judges in the First Judicial Circuit of Arkansas shall have, at all times, the authority to hear all matters within the jurisdiction of the circuit court and shall have the affirmative duty to do so regardless of the designation of divisions.

There is established in the First Judicial Circuit five subject matter divisions in the six counties of the district. They are as follows: civil, criminal, domestic relations, juvenile, and probate. The designation of divisions and subdivisions is to promote judicial administration and caseload management and is not for the purpose of subject matter jurisdiction. The creation of divisions shall in no way limit the powers and duties of the

judges as circuit judges. Judges shall not be assigned exclusively to a particular division so as to preclude them from hearing other cases which may come before them.

B. Intent of Administrative Plan Number One: It is the intent of the circuit judges of the First Judicial Circuit to hear all types of cases found in the five subject matter divisions. However, given the geographical constrains, the lack of certain physical facilities (i.e., courtrooms with and without jury boxes) found in the various courthouses of the six counties comprising the First Judicial Circuit, and the lack of certain necessary support staff by four of the five circuit judges, the circuit judges have determined that the following administrative approach is appropriate and necessary to ensure timely and professional service to the judicial system in the First Judicial Circuit.

C. For purposes of this order:

1. "Civil" means cases relating to all other matters not relating to Probate, Domestic Relations, Juvenile, or Criminal.

2. "Criminal" means cases relating to all matters involving the Arkansas Criminal Code except Juvenile delinquency matters.

3. "Domestic Relations" means cases relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse.

4. "Drug Court" means a court dedicated exclusively to alternative adjudication and treatment of persons charged with illegal drug related criminal offenses and criminal offenses directly related to illegal drug activity and/or dependency.

5. "Juvenile" means cases relating to Families in Need of Supervision, dependency neglect, paternity, and delinquency.

6. "Probate" means cases relating to decedent estates, trust administration, adoptions, guardianship, conservatorship, commitment, change of name, and adult protective custody.

III. ADMINISTRATIVE PLAN:

The circuit judges of First Judicial Circuit will submit this Administrative Order (Number One) as the administrative plan for circuit court administration, signed by all the circuit judges, to the Supreme Court of Arkansas for approval. The plan includes the following:

A. Administrative Policy:

The First Judicial Circuit has adopted this written policy which describes the process by which case management and administrative procedures, to be used within the judicial circuit, will be determined. The circuit judges must unanimously agree, and evidence their agreement in writing, as to the manner in which decisions will be reached under the plan.

The circuit judges will meet on the first Tuesday of each quarter for purposes of administering this Administrative Order. The time of the meeting shall be 6:00 p.m. Actions taken by the circuit judges must be approved by an affirmative vote of at least seventy-five percent (75%) of the number of judges serving the circuit at that time.

B. Case Assignment and Allocation:

1. Except for good cause to the contrary, the case assignment and allocation of cases,

(a) shall be by random selection of unrelated cases;

(b) shall be a substantially equal appointment of cases among the circuit judges of the First Judicial Circuit, and

(c) all matters connected with a pending or supplemental proceeding will be heard by the judge to whom the matter was originally assigned.

2. It is anticipated that the Administrative Office of the Courts shall as soon as practical develop and make available to the First Judicial Circuit a computerized program to assure,

(a) a random assignment of cases where appropriate and

(b) a substantially equal appointment of cases among the judges.

C. Creation of divisions:

The following divisions are created for the purpose of judicial administration and case management. Judges are not exclusively assigned to any particular division. The circuit judges shall administer other cases which may come before them as time permits and as caseloads dictate.

1. Primary assignment:

(a) The judge of division One (Judge L.T. Simes, II) will hear primarily criminal and civil matter; however, he will hear all types of cases as time and caseloads permit, as shown by Attachment "A."

(b) The judge of Division Two (Judge Richard L. Proctor) will hear primarily criminal and civil matters; however, he will hear all types of cases as time and caseloads permit as shown by Attachment "A."

(c) The judge of Division Three (Judge Bentley E. Story) will hear primarily civil, probate, domestic relations, and Drug Court matters; however, he will hear all types of cases as time and caseloads permit as shown by Attachment "A."

(d) The judge of division four (Judge Kathleen Bell) will hear primarily civil, probate, and domestic relations matters; however, she will hear all types of cases as time and caseloads permit as shown by Attachment "A."

(e) The judge of Division Five (Judge Ann B. Hudson) will hear primarily juvenile matters; however he will hear all types of cases as time and caseloads permit as shown by Attachment "A."

2. Secondary assignments:

(a) Criminal matters: Divisions Three, Four, and Five judges will hear criminal matters which are uncontested in nature or slightly contested on a regular basis and will hear such contested matters as time and caseloads permit.

(b) Civil matters: Divisions Three, Four, and Five judges will hear civil matters as time and caseloads permit.

(c) Domestic Relations, Probate, and Juvenile matters: Divisions One and Two judges will hear domestic relations, probate, juvenile matters which are uncontested in nature or slightly contested on a regular basis and will hear such contested matters as time and caseloads permit.

3. Assignment of caseload:

(a) Criminal cases: Criminal cases in all six counties are initially assigned to Divisions One and Two by random selection. Although the initial assignment is to either Divisions One or Two, Divisions Three, Four, and Five will hear criminal cases as set forth above. See Attachment "A" for the percentage of caseload distribution among the five judges.

(b) Civil cases: Civil cases in all six counties are initially assigned to Divisions One, Two, Three, and Four on a random basis. However, complex civil cases will

normally be assigned to Divisions One and Two. See Attachment "A" for the percentage of caseload distribution among the five judges.

(c) Domestic relations, and probate cases: Domestic relations and probate cases are initially assigned to Divisions Three and Four on a random basis. In light of the fact that court in some of the smaller caseload counties in the First Judicial Circuit is not held as often as in the larger caseload counties, all judges will hear domestic relations and probate matters in the smaller counties as the cases dictate.

(d) Juvenile cases: Juvenile cases in all six counties are initially assigned to Division Five. All Juvenile cases are initially assigned to Division Five because Division Five has an extensive support staff to judicially administer these types of matters while the other four divisions do not have such extensive support staffs. See Attachment "A" for the proposed percentage of caseload distribution among the five judges.

(e) Drug Court cases: St. Francis County currently is the only county in the First Judicial Circuit which operates a drug court treatment program. Judge Bentley E. Story is the Drug Court Judge for the St. Francis County Drug Court Treatment Program.

C. Caseload Estimate:

It is estimated, based on the most recent statistical information provided by the Administrative Office of the Courts, that the projected caseload for the forthcoming year will be 2,118 cases, each, for Divisions One and Two, 1,707 cases, each, for Divisions Three and Four, and 1,301 cases for Division Five. If, at any time, it is determined by the circuit judges that a workload imbalance exists which affects the judicial circuit or a circuit judge adversely, this Administrative Plan shall be amended subject of the provisions of Section Three (3) of Administrative Order Number 14 of the Arkansas Supreme Court.

III. Supreme Court:

The 2006 Administrative Plan was submitted to the Arkansas Supreme Court for its approval prior to July 1, 2007. Thereafter, this plan was submitted to the Supreme court by July 1st of each year following the year in which the general election of circuit judges is held. This plan may only be amended if approved by the Supreme Court. Upon approval by the Supreme Court, the plan shall be filed with the Clerk of the Circuit Court in each of the six counties of the First Judicial Circuit and filed with Clerk of the Supreme Court. In the event an approved plan is not being followed, a judge should first bring the matter to the attention of the circuit judges at the quarterly meeting for resolution. In the event the complaining judge deems the resolution of the circuit judges, as a voting body, does not resolve the issue, the complaining judge may bring the matter to the attention of the Chief Justice of the Arkansas Supreme Court by setting out in writing the nature of the problem. Upon receipt

of a complaint, the Supreme Court may cause an investigation to be undertaken by appropriate personnel and will take other action as may be necessary to insure the efficient operation of the courts and the expeditious dispatch of litigation in the First Judicial Circuit.

IV. Transition:

1. The First Judicial Circuit's 2004 Administrative Plan, approved by the Arkansas Supreme Court in July 2003, remained in effect until December 31, 2005, according to the Supreme Court's Per Curiam of January 30, 2003. The 2006 plan, dated May 27, 2005, was approved by the Supreme Court. The 2008 plan, dated June of 2007 was approved by the Supreme Court.

V. Administrative Judge:

1. Pursuant to Arkansas Supreme Court Administrative Order Number 14, the judges of the First Judicial Circuit elected an Administrative Judge on January 6, 2009. Judge Bentley E. Story elected and will serve for a term of two years.

VI. Approval of the Circuit Judge:

1. By their signatures affixed hereafter, the five Circuit Judges of the First Judicial Circuit hereby approve this Administrative Plan and submit it to the Arkansas Supreme Court for its approval.

IT IS SO ORDERED THIS 10 DAY OF MARCH, 2009.

Judge L.T. Simes, II
Judge of Division One

Judge Richard L. Proctor
Judge of Division Two

Judge Bentley E. Story
Judge of Division Three

Judge Kathleen Bell
Judge of Division Four

Judge Ann B. Hudson
Judge of Division Five

ATTACHMENT "A"
FIRST JUDICIAL CIRCUIT
Case Assignment Percentage Table

Total number of cases filed, based on the most recent statical data (December, 2007) from the Administrative Office of the Courts

Civil	Criminal	Domestic Relations	Probate	Juvenile	TOTAL
1,559	4,232	1,964	709	744	9,208

Allocation of cases in five subject matter divisions between the five Circuit Judges

Division	Judge	Percentage, Subject Matter Division, and Approximate Number of Cases	Approx. Total of Cases
One	Judges L.T. Simes, II	26% Civil (405) 42% Criminal (1,780) 2% Domestic Relations (39) 1% Probate (7)	2,231
Two	Judge Richard L. Proctor	26%Civil (405) 42% Criminal (1,780) 2% Domestic Relations (39) 1% Probate (7)	2,231
Three	Judge Bentley E. Story	22% Civil (342) 3% Criminal (126) 45% Domestic Relations (874) 47% Probate (333) 2% Juvenile (14) * Drug Court cases are rolled into the criminal court numbers	1,689
Four	Judge Kathleen Bell	22% Civil (342) 3% Criminal (126) 45% Domestic Relations (874) 47% Probate (333) 2% Juvenile (14)	1,689
Five	Judge Ann B. Hudson	4% Civil (65) 10% Criminal (420) 7% Domestic Relations (138) 4% Probate (29) 96% Juvenile (716)	1,368

NOTE: Criminal filings are based on counts filings vice case filings