

**IN THE CIRCUIT COURTS OF THE
NINTH WEST JUDICIAL DISTRICT OF ARKANSAS**

AMENDED

ADMINISTRATIVE PLAN

In accordance with Administrative Order Number 14, our Administrative Plan, previously submitted and approved by the Supreme Court, for handling cases in Ninth West Judicial District is amended as follows:

PREAMBLE

The Ninth West Judicial District consists of four counties. They are Howard, Little River, Pike and Sevier. There are two judges serving this district, Judge Ted C. Capeheart, Division one, and Judge Charles A. Yeargan, Division two.

Judge Capeheart will retire at the end of this year, and Tom Cooper has been elected to the Division one position and will take office on January 1, 2009. Judge-elect Cooper previously served as Prosecuting Attorney for the Ninth West Judicial District for the past fourteen years. Upon his election, he resigned as Prosecuting Attorney on July 1, 2008 in order to avoid future conflicts in criminal cases. Judge-elect Cooper assisted with and approved the content of this amended plan and request approval by the Supreme Court.

ASSIGNMENTS

Both judges will continue to hear all types of cases, except as provided below:

Until the Administrative Office of the Courts can provide a computerized method for random assignment of cases the Clerks shall use colored marbles or markers to ensure random selection.

The Clerk is directed not to draw a colored marker to determine which division the case will be assigned until such time as the file mark of the clerk has been affixed and shall not draw more than one marker at a time. The Clerk making the draw from the container shall not look at the markers or marbles to be drawn but is to make the draw in the blind. The Clerk is prohibited from making the division assignment known until the colored marker designated the division has been drawn and the number has been affixed to the pleading initiating the case.

The Clerk is to maintain a separate criminal, civil, domestic relations, probate and juvenile docket for each of the respective divisions.

Each Clerk shall affix a stamp to the pleadings designating which judge has been assigned to the case so the attorneys will know who to contact for a setting. In addition, the Clerks shall place the number one (1) or two (2) at the end of every case number to designate Division One or Two. The only exception to this procedure is where there are multiple criminal defendants with different file numbers, wherein the judge that takes the first case will handle all subsequent files of co-defendants regardless of the assignment. Likewise, similar type case or cases that have some relationship with each other will be heard by the same judge.

CONFLICTS

If either judge should have a conflict that case will be transferred to the other division and will be heard by that judge unless he has a conflict.

Judge Yeargan is related by marriage to attorneys George Steel, Jr., and his son Nate Steel of Nashville, and George Matteson of Texarkana. These attorneys practice regularly in the Ninth West District. The newly elected prosecuting attorney for the Ninth West Judicial District announced he will appoint Mr. Nate Steel as deputy prosecuting attorney for Howard County.

In order to avoid any conflicts, any cases filed by these attorneys shall be automatically assigned to Division one. The next case filed, without a conflict, that normally would be assigned to Division one will then be assigned to Division two in order to equalize the number of cases for each judge. Any cases previously filed in Division two in which these attorneys subsequently enter their appearance will then be transferred to Division one.

As long as Mr. Nate Steel serves as deputy prosecuting attorney in Howard County, Judge-elect Cooper will be responsible for all criminal cases filed in Howard County after January 1, 2009. Judge Yeargan will continue to preside over all criminal cases filed by Judge-elect Cooper in all four counties until they are resolved with the understanding with the newly elected prosecutor that Mr. Nate Steel shall have no involvement with these particular cases.

In order to equalize the case assignments Judge Yeargan will be assigned all probate cases in all four counties except for those cases filed by George Steel, Jr., Nate Steel and George Matteson. Those cases and any subsequent appearances by these attorneys in cases previously assigned to Division two will be assigned to Division one.

PROCEDURE FOR HEARING CASES

Judge-elect Cooper will set criminal cases for jury trials in even numbered months and Judge Yeargan will set his criminal cases in odd numbered months in order to allow the prosecuting attorney to be present at all criminal jury trials. Civil jury trials are set by the presiding judge on whatever days are available that will not conflict with any other cases set by the other judge. As a normal rule, each judge will travel the circuit to all four counties during one week, and then the

other judge will travel the same route the next week. This normally means that a judge will be in each one of the four counties at least twice each month with the exception where there are scheduling problems due to holidays, vacations and continuing education classes.

Each time a jury trial is set, the case coordinators contact each other to notify the other judge of any setting so there will not be any conflicts on the use of the courtroom on the same day and county. On regular court dates both judges may hear uncontested matters regardless the designation.

A judge who signs an ex-parte domestic abuse protective order normally sets the temporary hearing for the next regular date regardless of designation.

In juvenile matters, the juvenile intake officer mails notices for juveniles to appear on a regular court date. If they should plead true, the judge for the first appearance will dispose of the matter. If they plead not true then, the judge will set this matter according to the random designation.

DRUG COURT

Judge Yeargan will preside over the drug court for the Ninth West Judicial District that is held in Howard County.

CALENDAR

A calendar is printed each year around September setting forth the regular court dates for the upcoming year where the judges will appear and hear all types of cases, including drug court, divorces, probate, juvenile, criminal arraignments, pre-trials, criminal jury trials, and non-jury matters. We alternate each year letting one judge pick his court dates first and the other judge will select his dates. Judge Yeargan has the odd numbered years and Judge-elect Cooper will have the even.

ENHANCED JURY LIST

After discussions with and approval from all the Clerks in the district, we decline the use of the enhanced jury list pursuant to Arkansas Code Ann. 16-32-303(b).

ADMINISTRATIVE JUDGE

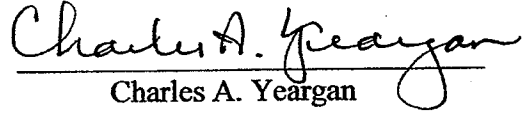
Pursuant of Administrative Order 14, the judges of the Ninth West Judicial District agree to alternate the position of Administrative Judge every two years. Judge Yeargan will continue to serve as Administrative Judge for 2009 and 2010, and then alternate with Judge-elect Cooper every two years thereafter.

APPROVAL

The judges of the Ninth West Judicial District along with Judge-elect Cooper hereby approve this amended administrative plan and submit it to the Arkansas Supreme Court for its approval. This Amended Plan, if approved by the Supreme Court, shall become effective January 1, 2009.



Ted Capeheart
Circuit Judge
Division 1



Charles A. Yeargan
Circuit Judge
Division 2



Tom Cooper
Circuit Judge-elect
Division 1