Effective

ADMINISTRATIVE PLAN
OF THE FIFTH JUDICIAL DISTRICT
STATE OF ARKANSAS
JULY 2009

Pursuant to Administrative Order Number 14 of the Supreme Court of Arkansas and its subsequent amendments, the circuit judges of the Fifth Judicial Districts (Franklin, Johnson and Pope Counties) respectfully offer this Administrative Plan for approval. This plan has been unanimously agreed to by the circuit judges of the Fifth Judicial District as evidenced by their respective signatures below.

The circuit judges of the Fifth Judicial District have unanimously elected the Honorable Dennis C. Sutterfield to a two-year term as Administrative Judge and written notification of the same has been provided to the Chief Justice of the Arkansas Supreme Court as required.

ADMINISTRATIVE POLICY

Case management and administrative procedures of the Fifth Judicial District will be governed by this plan. The circuit judges of the Fifth Judicial District shall meet no less than twice a year to review the implementation and efficiency of this plan. The dates, times and places of said meeting shall be set with the unanimous consent of all of the circuit judges in the Fifth Judicial District. Any future modifications of this plan shall be in writing and shall require the unanimous consent of all of the judges in the district and shall evidence their signatures of approval.

CASE ASSIGNMENT AND ALLOCATION

The process for assignment and allocation of filings in the Fifth Judicial District is set forth below. In arriving at this process, several factors have been taken into consideration which include, but are not limited to, the following:

a. Limitations on court room space, parking facilities and accommodations available to the public;

b. Efficient utilization of jury panels;

c. Equal apportionment of filings based upon past case filing and time frames peculiar to different types of filings;

d. Limited resources for juvenile filings;

e. The experience and qualifications of each of the circuit judges in the district;

f. Limited resources in support staff for different divisions of circuit court including, but not limited to prosecuting attorneys, public defenders, attorney ad litems, juvenile intake officers, juvenile probation officers, adult probation officers, social workers and specialized staff of the Arkansas Department of Human Services;

g. Cost and expense to each of the counties of the Fifth Judicial District (Franklin, Johnson and Pope) in implementing this plan.

The Fifth Judicial District consists of the three counties: Franklin, Johnson and Pope. Presently there are four circuit judges who serve the district: Honorable Judge William M. Pearson, Division I; Honorable Gordon McCain, Jr., Division II; Honorable Ken D. Coker, Jr., Division III and Honorable Dennis C. Sutterfield, Division IV.

Pursuant to Administrative Order 14, this plan establishes the

following subject matter divisions in circuit courts of each county of the Fifth Judicial District; criminal, civil, juvenile, probate and domestic relations. This creation of these divisions is for the purpose of judicial administration and caseload management and is not for the purpose of subject matter jurisdiction. The creation of these divisions shall in no way limit the powers and the duties of the judges herein as circuit judges. Under this plan, no circuit judge has been assigned exclusively to a particular division so as to preclude that judge from hearing other filings which may come before him. Furthermore, once a case is filed and a judge is assigned pursuant to this plan, all future matters in that case shall be heard before the same judge.

For the purpose of this plan, "probate" means filings relating to decedent estates, trust administration, adoption, guardianship, conservatorship, commitment, changes of name and adult protective custody. "Domestic Relations" means filings relating to divorce, annulment, maintenance, custody, visitation, support paternity and domestic abuse.

Case assignment under this plan shall be based upon a random designated numbering system made known only to the clerks which mirrors the respective percentages of case assignments designated below. The designated numbering system shall be modified on a random basis with the unanimous consent of all of the circuit judges in the district to insure its purpose of protecting against judge

shopping.

This plan constitutes the best efforts of the circuit judges of the Fifth Judicial District to apportion the business of the circuit courts among each of the judges within the district on as equal a basis as possible. If, at any time, it is determined that a workload imbalance exists which is affecting the judicial circuit or a judge adversely, the plan shall be amended subject to the provisions of Section (3) of this Administrative Order. Based upon the previous case filings for 2008 an estimated projected caseload of each of the circuit judges in the Fifth Judicial District annually is approximately 1700 filings. This plan does not apply retroactively to any filings previously filed and has prospective application only to those filings filed after the date of the adoption of this plan. All filings filed previously to the adoption of this plan have already been assigned a judge and division and shall remain unaffected by this amendment.

Filings in the Fifth Judicial District shall be assigned and allocated as follows:

CIRCUIT JUDGE/DIVISION I

The Circuit Judge for Division I of the Fifth Judicial District (Honorable Judge William M. Pearson) shall be assigned the following filings per the random process designated above:

60% of all criminal division filings in Pope County;

80% of all criminal division filings in Johnson County;

80% of all criminal division filings in Franklin County (Ozark and Charleston District);

40% of all civil division filings up to July 1, 2009; After July 1, 2009:

60% of all civil division filings filed in Pope County;

60% of all civil division filings in Johnson and Franklin counties.

CIRCUIT JUDGE/DIVISION II

The Circuit Judge for Division II of the Fifth Judicial District (Honorable Gordon McCain, Jr.) shall be assigned the following filings per the random process designated above:

80% of all domestic relations division filings in Pope and Johnson counties up to July 1, 2009; after July 1, 2009 60% of all domestic relation division Filings in Pope and Johnson counties.

100% of all probate filings throughout the Fifth Judicial District.

Additionally, the Circuit Judge for Division II shall receive application for criminal search warrants and share responsibility of with the Circuit Judges for Division I and IV for probable cause and bond hearings in the criminal division in all counties within the Fifth Judicial District. Furthermore, the Circuit Judge for Division II shall hear all criminal and civil matters which the other Circuit Judges of the Fifth Judicial District have recused.

CIRCUIT JUDGE/DIVISION III

The Circuit Judge for Division III of the Fifth Judicial

District (Honorable Ken Coker, Jr.) shall be assigned the following filings per the random process designated above.

The Circuit Judge for Division III shall be assigned 100% of all juvenile division filings in Pope, Johnson and Franklin Counties. It shall be his responsibility to be the primary administrator of the juvenile court system throughout the district. His duties shall include, but not be limited to, the hiring and supervision of juvenile intake and probation officers as well as other juvenile support staff, the administration of special juvenile programs, the budgets of the juvenile support systems and any other duties previously delegated to juvenile judges under the laws of the State of Arkansas. The Circuit Judge for Division III shall transfer any juvenile filings in which he may have a conflict, or as needed by time demands and case load, to the Circuit Judge for Division IV.

The Circuit Judge for Division III shall also be assigned 20% of all filings filed in the civil division of the Pope County Circuit Country.

CIRCUIT JUDGE/DIVISION IV

The Circuit Judge for Division IV of the Fifth Judicial District (Honorable Dennis C. Sutterfield) shall be assigned the following filings per random process designated above:

40% of all criminal division filings filed in Pope County;

20% of all criminal division filings filed in Johnson and Franklin counties;

20% of all domestic relations filings cases filed in Pope, Johnson counties up to July 1, 2009; after July 1, 2009, 40% of all domestic relations Cases filed in Pope and Johnson counties;

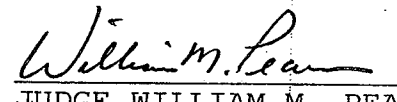
20% of all domestic relations filings filed in Franklin county;

20% of all civil division filings filed in Pope County;

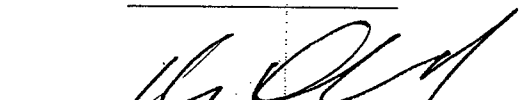
40% of all civil division filings filed in Johnson and Franklin counties.

Drug Courts have been established for the Fifth Judicial District to serve all counties therein. Judge Dennis C. Sutterfield presides over said Drug Courts.

Submitted by,

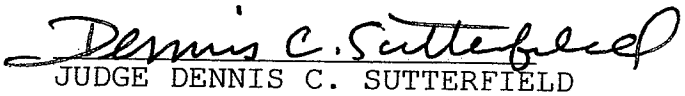


JUDGE WILLIAM M. PEARSON
CIRCUIT JUDGE/DIVISION I
FIFTH JUDICIAL DISTRICT
DATE: _____



JUDGE KEN D. COKER, JR.
CIRCUIT JUDGE/DIVISION III
FIFTH JUDICIAL DISTRICT
DATE: 5/26/09

JUDGE GORDON MCCAIN, JR.
CIRCUIT JUDGE/DIVISION II
FIFTH JUDICIAL DISTRICT
DATE: 5/29/09



JUDGE DENNIS C. SUTTERFIELD
CIRCUIT JUDGE/DIVISION IV
FIFTH JUDICIAL DISTRICT
DATE: 6-3-09