

**DISTRICT COURT OF SEBASTIAN COUNTY FORT SMITH DIVISION  
ADMINISTRATIVE PLAN**

1. **JUDGES:** The Fort Smith District Court is served by three state district judges. The judges are, for election purposes, designated by divisions of the court as follows:

David P. Saxon	Division # 1	Fort Smith, AR.
Ben Beland	Division # 2	Fort Smith, AR.
Claire Borengasser	Division # 3	Fort Smith, AR.

2. **COURT:** The Fort Smith District Court has three designated divisions, city, state and civil/small claims. Each of the three judges presides over one of the divisions on a specific day:

City Division	4 days a week	M, T, W, Th	9 a. m. noon, 1:30 p.m. to end
State Division	3 days a week	M, T, Th	9:00 a.m. to noon- 1:30p.m. to end
Civil	1 day a week	W	9:00 a.m. to end.
Small Claims	1 <sup>st</sup> and 3 <sup>rd</sup> week of the month	W	1:30 p.m. to end.

\* See judges schedule attached as #1

3. **TYPES OF CASES:** The following cases are heard in these sessions:

City Division	City of Fort Smith	City misdemeanors and traffic, environmental/code enforcement
State Division	City of Ft. Smith/Sebastian County	Misdemeanors filed by the county prosecutor, traffic Citations issued by county sheriff and some state police citations.

All misdemeanor domestic battery and drug cases are

prosecuted in district court by the county prosecutor. The district court conducts first appearances and preliminary hearings in all felony cases filed by the prosecutor with the exception of those filed directly to circuit court. The former is the general rule.

In addition, to comply with Riverside County, California v. McLaughlin and Rule 8.1, *et seq*, of the Arkansas Rules of Criminal Procedure, on Saturday of each week, one of the six circuit court judges or four district judges conducts a review of all arrests made with the last 72 hours to determine if probable cause existed for the arrest and to set bonds if established or release if no probable cause existed for the arrest. This process is adjusted for extended holiday periods.

Small Claims/Civil Division Fort Smith District of  
Sebastian County

Small claims up to \$5000.00  
Civil cases up to \$25,000.00  
Jurisdiction per Adm. Order  
#18

The Small Claims Division has experienced an increase in the number of civil evictions over the past year. Some one hundred evictions have been processed from June 25, 2012 through June 25, 2013. Landlords have opted to use the Affidavit of eviction through the court rather than obtaining a Notice to Quit through the sheriff's office.

The Affidavit of Eviction process is very effective and less time consuming because the court, after processing the request and preparing the Order to Vacate or Show Cause, schedules the matter for hearing within 10 days of the filing of the order whereas the Notice to Quit process requires 10 day notice at the end of which, if the renter has not moved, the landlord must file an affidavit with the prosecuting attorney, who must ask that a warrant or summons be issued by the court, the defendant must be arrested, arraigned, set for trial and tried. The latter process can take three to four times longer than the Affidavit of Eviction process.

4. SPECIALTY PROGRAMS: The following specialty programs are provided:

Environmental/Code Enforcement Court is a part of the city division of the Court.

a. The environmental court is tasked with the enforcement of the city's property maintenance code which applies to the maintenance of all commercial and residential structures. The code covers such areas as plumbing, mechanical and electrical, safety, exterior and interior condition of a structure, accumulation of rubbish and garbage, etc. The Court is also tasked with the enforcement of the city's regulations for the parking of commercial vehicles on residential streets and properties. Also included is the enforcement of parking regulations as they pertain to residential parking.

b. The International Property Code 2003 edition was adopted by city Ordinance 48-04, 2007 and is codified in Chapter 6 section 6-401, Fort Smith Municipal Code. The parking regulations were adopted by the City in Ordinance 28-08 and codified in Chapter 14 of the Fort Smith Municipal Code.

c. Certification of compliance with all applicable laws, including fines, fees, court costs, and probation assessments.

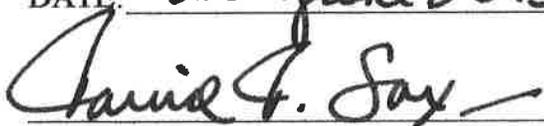
d. The sessions of this court are held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month. The sessions begin at 9:00 a.m. and adjourn when the docket has been completed. The City is represented by the city prosecutor.

\* See attached Court schedule #2

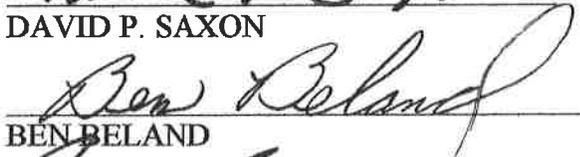
e. Sources of funding. N/A

5. The District Court of Sebastian County, Fort Smith Division, except for first appearances and preliminary hearings as discussed in paragraph three above, has not been requested to provide any support to the Sebastian County Circuit Court.

DATE: 26 June 2013



DAVID P. SAXON



BEN BELAND



CLAIRE BORENGASSER

# DISTRICT COURT \* 2013 COURT SCHEDULE

# 1

## Saxon

Monday = State Division

Tuesday = City Division

Wednesday = Civil Division in the AM on the first and third Wednesday of the month. Judge Saxon has been assigned to handle civil cases ending in odd numbers. (Ex: 1,3,5,7,9)

Environmental Court in the AM on the second and fourth Wednesday of the month.

City Trials in the PM on the fifth Wednesday of the month, when applicable.

Thursday = Prisoner Arraignments

## Beland

Monday = Prisoner Arraignments

Tuesday = State Division

Wednesday = Civil Division in the AM on the second and fourth Wednesday of the month.

Judge Beland has been assigned to handle civil cases ending in even numbers. (Ex: 0,2,4,6,8)

City Division in the PM on the first and third Wednesday of the month.

Thursday = City Division

## Borengasser

Monday = City Division

Tuesday = Prisoner Arraignments

Wednesday = Small Claims Division in the PM on the first and third Wednesday of the month.

City Division in the PM on the second and fourth Wednesday of the month.

Thursday = State Division

## CITY DIVISION – Room 102

### Monday

9:00a.m. Arraignments, Plea/Sentencing (20)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Trials (20), Plea/Sentencing (20)

### Tuesday

9:00a.m. Arraignments (Last names A-L), Plea/Sentencing (10)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Arraignments (Last names M-Z), Plea/Sentencing (10)

### Wednesday

9:00a.m. Environmental Court on the second and fourth Wednesday of the month.  
Arraignment (10), Plea/Sentencing (5) (ENVIRONMENTAL CASES ONLY)

9:30a.m. Environmental Court Trials (10) Environmental Plea/Sentencing (5)  
(ENVIRONMENTAL CASES ONLY)

1:30p.m. Trials (20), Plea/Sentencing (5)

### Thursday

9:00a.m. Arraignments, Plea/Sentencing (10)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Trials (20), Plea/Sentencing (10)

## STATE DIVISION – Room 104

### Monday

9:00a.m. Trial/Preliminary Hearings (15/4 managed cases), Plea/Sentencing (5)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Arraignments, Plea/Sentencing (5)

### Tuesday

9:00a.m. Trial/Preliminary Hearings (13/4 managed cases), Plea/Sentencing (5)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Trial/Preliminary Hearings (13/4 managed cases), Plea/Sentencing (5)

### Thursday

9:00a.m. Trial/Preliminary Hearings (15/4 managed cases), Plea/Sentencing (5)

9:15a.m. Prisoner Arraignments – Room 105

1:30p.m. Arraignments, Plea/Sentencing (10)

## **CIVIL DIVISION – Room 105**

Judge Saxon will be presiding over civil cases ending with odd numbers (Ex: 1,3,5,7,9) on the first and third Wednesday of the month. Judge Beland will be presiding over civil cases ending with even numbers (Ex: 0,2,4,6,8) on the second and fourth Wednesday of the month.

### **Wednesday- AM session only**

9:00a.m. Default/Show Cause Hearings (10)  
9:15a.m. Hearings (10)  
9:30a.m. Trials (8)

## **SMALL CLAIMS DIVISION – Room 105**

Judge Borengasser will be presiding over the Small Claims Division. Small Claims Court will be held the first and third Wednesday of each month during the afternoon session.

### **Wednesday- PM session only**

1:30p.m. Default Hearings (10)  
1:30 p.m. Hearings (4)  
1:30p.m. Trials (6)

## **PRISONER ARRAIGNMENTS BY VIDEO – Room 105**

9:15a.m. State Division with City Division immediately following. (Prisoners that need to be arraigned in person will be brought over to the Courts Building after all other prisoner arraignments have been completed.)

### ***The following schedules have been altered to accommodate a holiday or closing***

1-01-13 Closed (New Years Day)  
1-03-13 All day arraignments (A-L 9:00a.m. / M-Z 1:30p.m.) City Division only  
1-21-13 Closed (Martin Luther King Day)  
1-24-13 All day arraignments (A-L 9:00a.m. / M-Z 1:30p.m.) City and State Divisions  
2-18-13 No Court Scheduled- Courthouse Closed (*unobserved by City- we work*)  
2-21-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) State Division only  
3-29-13 Closed (Good Friday)  
4-25-13 Closed (Clerk/Judge Conferences)  
4-26-13 Closed (Clerk/Judge Conferences)  
5-02-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) State Division only  
5-27-13 Closed (Memorial Day)  
5-30-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) City and State Divisions  
7-04-13 Closed (Independence Day)  
7-08-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) State Division only  
9-02-13 Closed (Labor Day)  
9-05-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) City and State Divisions  
9-19-13 **ARRAINGMENTS ONLY** (Judges Fall College on 9/19 & 9/20)  
11-11-13 Closed (Veterans Day)  
11-14-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) City Division only  
11-15-13 Clerks Conference in Springdale  
11-27-13 No Court Scheduled-Day before Thanksgiving holiday  
11-28-13 Closed (Thanksgiving)  
11-29-13 Closed (Thanksgiving)  
12-05-13 All day arraignments (A-L 9:00a.m./M-Z 1:30p.m.) State Division only  
12-23-13 Light Dockets (fewer cases have been set)  
12-24-13 Closed (Christmas)  
12-25-13 Closed (Christmas)  
12-26-13 Light Dockets (fewer cases have been set)  
1-01-14 Closed (New Year's Day)

**Environmental Court – Room 102**

*Judge Saxon will preside over environmental court during an AM session on the second and fourth Wednesday of the month. Exceptions may be made to this schedule to accommodate the holidays and various closings.*

**Wednesday**

9:00a.m. Environmental Court on the second and fourth Wednesday of the month.  
Arraignment (10), Plea/Sentencing (10)

9:30a.m. Environmental Court Trials (5)

01-09-13	07-10-13
01-23-13	07-24-13
02-13-13	08-14-13
02-27-13	08-28-13
03-13-13	09-11-13
03-27-13	09-25-13
04-10-13	10-09-13
04-24-13	10-23-13
05-08-13	11-13-13
05-22-13	11-27-13
06-12-13	12-11-13
06-26-13	12-25-13-closed for Christmas