ADMINISTRATIVE PLAN
OF THE FIFTH JUDICIAL DISTRICT
STATE OF ARKANSAS
Effective: January 1, 2014

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 Ken D. Coker, Jr. to a two-year term as Administrative Judge, this term ending on December 31, 2014, 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 "Mack" 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 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 2009 an estimated projected caseload of each of the circuit judges in the Fifth Judicial District annually is approximately 1900 filings. Unless specifically stated otherwise, 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. Unless specifically stated otherwise, 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.

RECUSALS, REASSIGNMENTS AND REQUEST FOR SPECIAL JUDGE ASSIGNMENT

RECUSALS: In the event of a recusal, the assigned judge recusing from a case will draft an Order of Recusal and Transfer. Cases will transfer as follows:

POPE, JOHNSON AND FRANKLIN COUNTIES:
CRIMINAL CASES, INCLUDING ADULT DRUG COURT:
Division I to Division IV
Division IV to Division I
If Division I & IV recuse -to Division III
Division III to Division II

CIVIL CASES:
Division I to Division IV
Division IV to Division I
If Division I & IV recuse -to Division III
Division III to Division II
Division II to Division I

DOMESTIC/PROBATE CASES:
Division II to Division IV
Division IV to Division II
If Division II & Division IV recuse -to Division III
Division III to Division I

JUVENILE CASES, INCLUDING JUVENILE DRUG COURT:
Division III to Division IV
Division IV to Division II

Division II to Division I

REASSIGNMENT: (See "Recusals" on previous page for the process of the reassignment of cases.)

REQUEST FOR SPECIAL JUDGE ASSIGNMENT: In the event that all four judges recuse from a case, an Order of Recusal signed by all of the circuit judges of the 5th Judicial District, and filed with the circuit clerk of the county in which the case was filed, shall be mailed by the Administrative Judge, along with a letter addressed to the Chief Justice requesting a special judge assignment to said case.

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:

CRIMINAL CASES

POPE COUNTY: 100% of all criminal filings in Pope County.

JOHNSON COUNTY: 100% of all criminal filings in Johnson County.

FRANKLIN COUNTY: 100% of all criminal filings in Franklin County.

CIVIL CASES

POPE COUNTY: 20% of all civil filings in Pope County.

JOHNSON COUNTY: 40% of all civil filings in Johnson County.

FRANKLIN COUNTY: 40% of all civil filings in Franklin County.

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:

DOMESTIC RELATIONS CASES

POPE COUNTY: 60% of all domestic relations filings in Pope County.

JOHNSON COUNTY: 60% of all domestic relations filings in Johnson County.

FRANKLIN COUNTY: 80% of all domestic relations filings in Franklin County.

PROBATE CASES

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

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

FRANKLIN COUNTY: 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 with Division I for probable cause and bond hearings in the criminal division in all counties within the Fifth Judicial District.

CRIMINAL CASES

JOHNSON COUNTY: All Drug Court filings in Johnson County shall be heard in Division II.

FRANKLIN COUNTY: All Drug Court filings in Franklin County shall be heard in Division II.

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, including Juvenile Drug Court. 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 also be assigned 20% of all filings filed in the civil division of the Pope County Circuit Court.

Additionally, the Circuit Judge for Division III shall receive application for criminal search warrants and share responsibility with Division I for probable cause and bond hearings in the criminal division in all counties within the Fifth Judicial District.

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:

CRIMINAL CASES

POPE COUNTY: All Drug Court filings in Pope County shall be heard in Division IV.

DOMESTIC RELATIONS CASES

POPE COUNTY: 40% of all domestic relations division filings in Pope County.

JOHNSON COUNTY: 40% of all domestic relations division filings in Johnson County.

FRANKLIN COUNTY: 20% of all domestic relations filings filed in Franklin County.

CIVIL CASES

POPE COUNTY: 60% of all civil filings in Pope County.

JOHNSON COUNTY: 60% of all civil filings in Johnson County.

FRANKLIN COUNTY: 60% of all civil filings in Franklin County.

Additionally, the Circuit Judge for Division IV shall receive application for criminal search warrants and share responsibility with Division I for probable cause and bond hearings in the criminal division in all counties within the Fifth Judicial District.

SPECIALTY COURTS

ADULT DRUG COURTS

The Fifth Judicial Drug Court provides Drug Court accessability to all three counties with the District.

The Pope County Drug Court is comprised of Pope County and headed by the Honorable Dennis Charles Sutterfield, Circuit Judge for Division Four of the Fifth Judicial District.

The two remaining counties, Johnson and Franklin, are served by a drug court program headed by the Honorable Gordon "Mack" McCain, Jr. These two separate drug court programs are provided separate staffs.

Judge Sutterfield conducts drug court in Russellville at the Pope County Courthouse. Judge McCain conducts drug court at the Johnson County Courthouse.

In addition to regular drug court dockets, there are sanctions dockets, staffings and drug court team meetings held on a regular basis.

The drug court programs utilize both post-adjudication and pre-adjudication processes. The programs are funded by the Department of Community Correction which provides a counselor and probation officer in conformity with Arkansas law. The programs are conducted in conformity

with the applicable Drug Court statutes and laws of the State of Arkansas and complies with the law regarding assessment of fines, fees, court costs and probation fees.

The administration of the Drug Courts are a team effort involving the Prosecuting Attorneys Office, Public Defenders Office, the respective Judges and their staffs and provided employees of the Department of Corrections. The programs are structured by phases and performance standards which include, but are not limited to, regular drug testing, employment requirements, meeting requirements, counseling and cooperation with rehabilitative efforts.

The combined goals of the drug courts are to assist drug court participants in becoming drug free, productive citizens who will be positive influences to their families and communities.

POPE COUNTY JUVENILE DRUG COURT

The Pope County Juvenile Drug Court Program has been in operation since 2011. Court sessions are conducted on the third Thursday of every month in the Courtroom on the second floor of the Pope County Courthouse in Russellville, Arkansas. The program uses a post adjudication process and is open to all juveniles who have committed eligible offenses and are recommended by the prosecuting attorney. The program policies and practices are governed by the Juvenile Drug Court Participant Handbook as developed by the drug court team. All practices and policies are in conformance with State Drug Court statutes and all applicable laws involving the assessment of court costs and probation services fees. The Program receives staff funding from the State of Arkansas.

The members of the drug court team are composed of the following

members: circuit judge, prosecuting attorney, public defender, juvenile drug court coordinator, education representatives, and the community based drug court treatment staff. Team members participate in monthly staffing's to ensure that all available resources are utilized and participant's needs are met in a timely manner.

Submitted by,

JUDGE WILLIAM M. PEARSON
CIRCUIT JUDGE/DIVISION I
FIFTH JUDICIAL DISTRICT
DATE: 8-5-13

JUDGE GORDON "MACK" MCCAIN, JR.
CIRCUIT JUDGE/DIVISION II
FIFTH JUDICIAL DISTRICT
DATE: 8/2/13

JUDGE KEN D. COKER, JR.
CIRCUIT JUDGE/DIVISION III
FIFTH JUDICIAL DISTRICT
DATE: 8/5/13

JUDGE DENNIS C. SUTTERFIELD
CIRCUIT JUDGE/DIVISION IV
FIFTH JUDICIAL DISTRICT
DATE: Aug. 2, 2013