

IN THE SUPREME COURT OF ARKANSAS

**ADMINISTRATIVE PLAN
FOR THE 16th JUDICIAL CIRCUIT**

The 16th Judicial Circuit is a five (5) county circuit located in rural North Central Arkansas consisting of Independence, Cleburne, IZard, Fulton and Stone Counties. There are currently four (4) Circuit Judges who serve the 16th Judicial District.

The Judge of Division One is John Dan Kemp who resides and has his office in Mountain View, Stone County, Arkansas. The Judge of Division Two is Holly Meyer who resides in Heber Springs and has her office in Batesville, Independence County, Arkansas. The Judge of Division Three is Lee Harrod who resides in Heber Springs and has his office in Heber Springs, Cleburne County, Arkansas. The Judge of Division Four is Tim Weaver who resides in Mount Pleasant and has his office in Melbourne, IZard County, Arkansas.

The Administrative Plan for 2016-17 is the same plan approved by the Supreme Court in January, 2014, and similar to the plans approved in 2010, 2008 and in 2005, and which the Circuit has been operating under since 2003. We have found this plan to be effective in meeting the needs of our District.

The judges of the Circuit have always cooperated in handling heavy dockets and when conflicts occur. Our plan is reflective of this and we will continue to work together to streamline the handling of the District's workload.

All judges willingly handle those cases from another division that are uncontested or need emergency action. The workload division for the four judges is as follows under our Administrative Plan for 2016-17.

Division One has jurisdiction of all Criminal Division cases in Independence, Cleburne, and Stone Counties, jurisdiction of the four Drug Courts in the Circuit, which includes Independence, Cleburne, Stone and IZard/Fulton County Drug Courts, jurisdiction of the Swift Court Probation Pilot Program in Independence County, and jurisdiction of the Veterans Treatment Court in the Circuit.

Division Two has jurisdiction of all Domestic Relations cases and all guardianships and adoptions in Probate cases in the Circuit.

Division Three has jurisdiction of all Juvenile Division cases in the Circuit and all Child Support Enforcement cases in the Circuit, and jurisdiction of the Juvenile Drug Court in the Circuit.

Division Four has jurisdiction of all Civil cases and all Probate cases except guardianships and adoption cases in the circuit, and jurisdiction of all Criminal Division cases in Fulton and Izard counties.

The Judges shall handle protective orders and mental health and drug commitments without regard to division assignment as they do for any other emergency presentation.

This case distribution shall not preclude the judge of any division from hearing cases from any subject matter division of circuit court.

Judge John Dan Kemp of Division One has been selected to serve as Administrative Judge for the Circuit for the next two years.

RECUSALS AND TRANSFERS

Consistent with the requirements of Administrative Order Nos. 1 and 16 the Circuit Judges for the 16th Judicial Circuit provide the following process for handling of recusals, the transfer of a case, and requests for the assignment of a special judge by the Supreme Court.

A. In the event the judge in Division Two recuses in a case, the case shall first be transferred to Division Four. In the event that the judge in Division Four recuses, the case shall be transferred to Division One. If the judge in Division One recuses, the case shall be transferred to Division Three.

B. In the event the judge in Division Four recuses in a case, the case shall first be transferred to Division Two. In the event the judge in Division Two recuses, the case shall be transferred to Division One. If the judge in Division One recuses, the case shall be transferred to Division Three.

C. In the event the judge in Division One recuses in a case, the case shall first be transferred to Division Two. If the judge in Division Two recuses, the case shall be transferred to Division Three.

D. Recusals from Division Three (on case originally assigned for that division or in Child Support Enforcement cases) shall be transferred as follows: Juvenile Delinquency cases shall be assigned to the judge in Division One in Independence, Cleburne and Stone counties and to the judge in Division Four in Fulton and Izard counties. If the judge in Division One recuses on an Independence, Cleburne or Stone county delinquency case, the case shall be transferred to Division Four. If the judge in Division Four recuses on a Fulton or Izard county delinquency case, the case shall be transferred to the Judge in Division One. If the judges in Divisions One and Four both recuse, the delinquency case shall be transferred to Division Two. FINS cases, dependency neglect, child support enforcement cases and all other juvenile cases and paternity cases shall be transferred to Division Two. If the judge in Division Two recuses, the case shall be transferred to Division Four. If the judge in Division Four recuses, the case shall be transferred to Division One.

E. In the even that all four circuit judges recuse from a case, the case shall be transferred to the state district court judge of the 14th Judicial District Court of Independence County. If the state district court judge of the 14th Judicial District Court of Independence County recuses, the case shall be transferred to the state district court judge of the 13th Judicial District Court of Cleburne County.

F. In the event all four circuit judges and both state district court judges recuse in a case, the Administrative Judge shall notify the Chief Justice of the Arkansas Supreme Court for appointment of a special judge to hear the case. The Administrative Judge shall be responsible for writing a letter of request, sufficient in detail, to inform the Chief Justice of the following:

- 1. that all the judges in the circuit have recused;**
- 2. the type of case involved;**
- 3. the facts of law in dispute;**
- 4. whether a temporary hearing is scheduled or necessary;**
- 5. the estimated time to hear the matter;**
- 6. the names of the attorneys representing the parties; or the names and addresses of self represented parties, and**

7. other pertinent information to assist the Chief Justice in making an assignment.
The circuit judge or state district court judge most familiar with the case shall assist the Administrative Judge in drafting said letter of request.

G. A judge recusing from a case and/or transferring a case shall cause an Order of Recusal and/or an order for said transfer to be entered of record. Said judge or judges shall take no further action in the case other than to notify the attorneys or self-represented parties of the recusal and to accommodate any newly assigned judge in carrying out the assignment.

SWIFT COURT PILOT PROGRAM

A grant has been approved for Independence County Circuit Court to create the Swift and Certain Accountability on the Probation Pilot Program, pursuant to A.C.A. §16-93-17-1 et.seq.

Judge John Dan Kemp of Division One shall serve as the presiding judge over the Swift Court Pilot Program and State District Court Judge Chaney W. Taylor shall be authorized to preside in the Swift Court Pilot Program, pursuant to the provisions of Administrative Order Number 18 of the Arkansas Supreme Court. Judge Taylor shall be authorized to exercise all power and authority held by the Circuit Court in presiding over the Swift Court Pilot Program.

IMPLEMENTATION OF ADMINISTRATIVE ORDER NO. 18

Pursuant to the provisions of Section 6 of Amendment 80 to the Arkansas Constitution and the Administrative Order Numbers 14 and 18 of the Arkansas Supreme Court, and subject to the approval of the Supreme Court, in order to implement this Administrative Plan and provide for an efficient operation of the state district courts located within this circuit, and to ensure an equal division of work load in this Circuit and to better utilize the judicial and support resources available in this Circuit for the prompt and efficient resolution of cases, all of the provisions of the said Administrative Order Number 18 in regard to reference specific cases to the state district court may be utilized by the judges of the Circuit as provided therein.

The following matters pending in circuit court may be referred to the state district court judges: (1) consent jurisdiction; (2) protective orders; (3) forcible entry and detainers; (4) evictions and unlawful detainer; (5) criminal matters; and (6) other matters of emergency or uncontested nature pending in the Civil Domestic Relations, or Probate divisions of circuit court (such as ex-parte emergency involuntary commitments pursuant to Ark. Code Ann. 20-47-209-210, decedent estate administration, uncontested divorces and defaults). This does not include personal injury actions, actions for damages to real property, or uncontested adoptions which shall be dealt within circuit court. Such referred matters as are herein authorized may be presented to the appropriate state district judge without any order referring or transferring the specific case or cases to the said state district judge.

As such referenced jurisdiction is now authorized under Section 6 (b) of Administrative Order No. 18, the undersigned judges acknowledge and agree that the state district court judges of Independence and Cleburne counties may be referred these said matters from any county of the 16th Judicial District, subject at all times to the superintending control of the Administrative Judge of the said Circuit.

In addition to the above, pursuant to the terms of Section (6)(b)(2) of Administrative Order Number 18, petitions for orders of protection may be heard by said state district judge without any additional specific case by case transfer or referral from the circuit court to such state district judge.

Under Section (6)(b)(5) of Administrative Order Number 18, the state district court judge shall have the authority to perform all of the functions set out in said Section (6)(b)(5)(A) without a specific order transferring or referring individual matters to him on a case by case basis.

The Administrative Judge, as to any case, or the circuit judge (to whom a specific matter would under the Administrative Plan normally be assigned) shall have the authority to direct that such matter may not be heard by the state district court judge or direct that it may not be further heard by the state district court judge.

Pursuant to the authority of Act 1137 of the 2011 General Assembly and Section (6)(b)(5)(B) of Administrative Order Number 18, the state district court judges for the 14th Judicial District of Independence and the 13th Judicial District of Cleburne counties are hereby authorized under this Administrative Plan to preside over a drug court program, probation revocation proceeding or parole revocation proceeding in their respective counties. This authority shall be coordinated by the Circuit Judge who has been assigned the jurisdiction of the Drug Court and the Criminal Division in Independence and Cleburne Counties respectively.

Under Section (6)(c) of Administrative Order No. 18, the Administrative Judge of this Circuit may refer matters pending in the circuit court to a state district court judge, with the judge's consent, which shall not be unreasonably withheld.

CASELOAD ESTIMATE

Pursuant to the provisions of Section 3(a)(1)(ii) of Administrative Order No. 14, the judges of the 16th Judicial Circuit have attempted to distribute among themselves "a substantially equal apportionment of cases" Hereinbelow is a list of the projected caseload of each of the judges based upon previous case filings in the year 2014.

<u>DIVISION ONE</u>	<u>CASES FILED</u>
Criminal Charges filed in Independence, Cleburne and Stone Counties	2,392
Drug Court Cases	
Independence County	50
Cleburne County	42
Stone County	34
Izard/Fulton Counties	19
Swift Court in Independence County	19
Veterans Treatment Court	<u>5</u>
TOTAL	2,561

DIVISION TWO

CASES FILED

Domestic Relations Cases	1,232
Guardianship and Adoption Cases	<u>243</u>
TOTAL	1,475

DIVISION THREE

Juvenile Cases	850
Juvenile Drug Court Cases	12
Child Support Enforcement Cases	<u>410</u>
TOTAL	1,272

DIVISION FOUR

Civil Cases	732
Criminal Charges	
Izard and Fulton Counties	1,156
Probate Cases (less Guardianship and Adoption Cases)	<u>448</u>
TOTAL	2,336

If the distribution of cases under this plan shall cause a material change in the number of cases assigned to a particular circuit judge hereunder then the Administrative Judge may transfer sufficient cases where needed to offset the inequity.

DISTRICT COURT ADMINISTRATIVE PLANS

Attached hereto are the District Court Administrative Plans for Cleburne County, Independence County, Izard County and Sharp County. Sharp County contains Cherokee Village which is located partially in Fulton County, one of the five counties of the 16th Judicial Circuit.

CONCLUSION

The undersigned circuit judges believe that the procedure outlined herein when implemented with provisions of Administrative Order Number 18 and the applicable law will maximize efficiencies of case administration and disposition, avoid wasted effort and utilize the judicial resources available here effectively.

WHEREFORE, the undersigned being all of the judges of the circuit courts of the 16th Judicial Circuit each hereby agree to the above Amendment to Plan and further respectfully petition the Supreme Court of Arkansas to approve the same

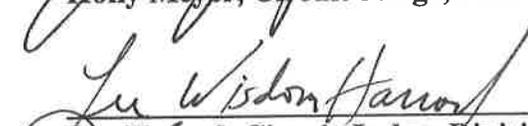
for use in the 16th Judicial Circuit upon approval of the Supreme Court, until such time as it is superseded.



John Dan Kemp, Circuit Judge, Division One



Holly Meyer, Circuit Judge, Division Two



Lee Harrod, Circuit Judge, Division Three



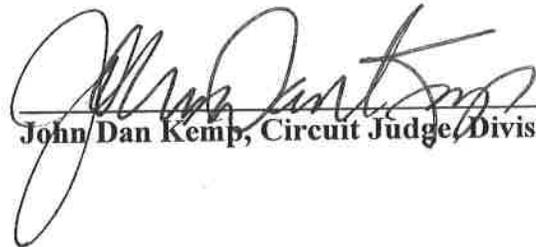
Tim Weaver, Circuit Judge, Division Four

The above Administrative Plan has been submitted to the undersigned judges of the 14th Judicial District Court of Independence County which is the state district court under Act 663 of 2007 and the 13th Judicial District Court of Cleburne County which is a state district court under Act 345 of 2009 and state that they have reviewed it and, as it relates to their responsibilities and duties, they hereby indicate their approval of the same and willingness to implement it if approved by the Supreme Court.

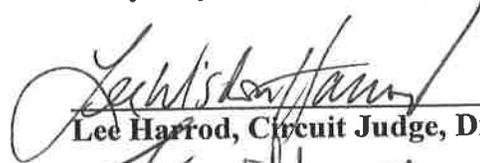
Chaney W. Taylor, Judge
14th Judicial District Court Independence County

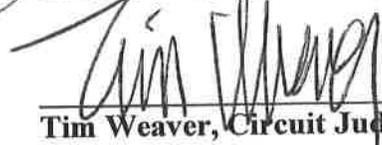
Lance Wright, Judge
13th Judicial District Court Cleburne County

for use in the 16th Judicial Circuit upon approval of the Supreme Court, until such time as it is superseded.


John Dan Kemp, Circuit Judge, Division One

Holly Meyer, Circuit Judge, Division Two


Lee Harrod, Circuit Judge, Division Three


Tim Weaver, Circuit Judge, Division Four

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Chaney W. Taylor, Judge
14th Judicial District Court Independence County


Lance Wright, Judge
13th Judicial District Court Cleburne County

**DRUG COURT PROGRAMS
IN THE 16TH JUDICIAL CIRCUIT**

The 16th Judicial Circuit has established four (4) Drug Court Programs. The programs primarily utilize a post-adjudication process and are open to defendants who have committed eligible offenses and who are recommended by the prosecutor.

The programs are conducted in conformity with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The programs are supported by staff and funded by the Department of Community Correction, by the collection of drug court fees under Act 490 of 2009 and by AOC grants.

The members of the drug court program teams include a circuit judge, a deputy prosecuting attorney, a public defender, a treatment professional, a probation officer, an intake officer and the sheriff or deputy sheriff. The location and dates for staffing and for status review hearings for each of the Drug Courts in the 16th Judicial Circuit are as follows:

**INDEPENDENCE COUNTY (BATESVILLE)
DRUG COURT**

The Independence County (Batesville) Drug Court Program has been in operation since November, 2003. Staffings are held at 1:00 p.m. and status review hearings are scheduled for 2:00 p.m. on Monday afternoons. Drug Court is held every other Monday at the Independence County District Courtroom at 549 West Main Street in Batesville, Arkansas.

**CLEBURNE COUNTY (HEBER SPRINGS)
DRUG COURT**

The Cleburne County (Heber Springs) Drug Court Program has been in operation since November, 2005. Staffings are held at 8:30 a.m. and status review hearings are scheduled for 9:30 a.m. on Monday mornings. Drug Court is held every other Monday at the Cleburne County Court Building at 922 South 9th Street in Heber Springs, Arkansas.

**STONE COUNTY (MOUNTAIN VIEW)
DRUG COURT**

The Cleburne County (Heber Springs) Drug Court Program has been in operation since January, 2008. Staffings are held at 8:30 a.m. and status review hearings are scheduled for 9:30 a.m. on Monday mornings. Drug Court is held every other Monday at the Drug Court Office at 1005 Maple Drive in Mountain View, Arkansas.

**IZARD/FULTON COUNTY (MELBOURNE)
DRUG COURT**

The Izard/Fulton (Melbourne) Drug Court Program has been in operation since September, 2010. Staffings are held at 1:30 p.m. on Monday afternoons. Drug Court is held every other Monday at the Izard County District Courtroom at 300 Circle Drive, Melbourne, Arkansas.

VETERANS TREATMENT COURT

The Veterans Treatment Court (VTC), an exceptional sub-set of the existing 16th Judicial Circuit Drug Court, has been in operation since its approval by the Arkansas Supreme Court in October, 2014. VTC is held on the dates and at the locations of the four Drug Courts enumerated hereinabove.

**INDEPENDENCE COUNTY SWIFT COURT
IN THE 16TH JUDICIAL CIRCUIT**

The Independence County Swift Court Probation program has been in operation since, March, 2012. The Swift Court probation program is a pilot project enacted to enforce stricter compliance with the conditions of probation for medium to high-risk offenders who have difficulty in complying with the conditions of their regular probation.

The program is funded by a grant administered by the AOC with funds transferred to the DCC to hire a probation officer dedicated to serve in this pilot probation program. The Circuit Judge of Division One with the assistance of the State District Judge of Independence County preside over the Swift Court. A deputy prosecutor and public defender are present at the violation hearings.

Hearings are scheduled when needed within three to five days after a defendant is served with a warrant for an alleged violation of the conditions of probation.

**JUVENILE DRUG COURT PROGRAM
IN THE 16TH JUDICIAL CIRCUIT**

The 16th Judicial Circuit has established a Juvenile Drug Court Program (JDC) which has been in operation since 2009. The JDC is a post-adjudication program that serves youths between the ages of 14 and 18, excluding violent offenders and sex offenders. The JDC is a four-phase drug treatment program, not to exceed a year. Participants' treatment needs are assessed by the coordinator and treatment staff, upon referral to the program and throughout the program based on the changing circumstances and compliance with court orders. Incentives and sanctions are issued by the circuit judge based upon the participant's program compliance through the treatment phases. Intensive supervision is provided by juvenile probation staff and the juvenile drug court coordinator. Participants receive at least monthly court reviews.

The JDC program, policies and practices are in compliance with A.C.A. §16-98-303(a) and A.C.A. §16-10-139 (a) and all applicable laws involving the assessment of juvenile costs and fees for probation services, including A.C.A. §9-27-367 Court Costs, Fees and Fines and A.C.A. §16-13-326 Circuit Court Juvenile Division Funds.

JDC team members include: juvenile drug coordinator, the circuit judge, drug treatment providers, public defender, prosecutor and juvenile officers. Team members participate in staffings and in hearings to ensure that all available resources are used in a timely manner to meet a juvenile's individualized needs. Treatment is provided by contract agency through the Department of Human Services, Behavioral Health Division. The state provides funds for a Juvenile Drug Court Coordinator hired by the Court. Drug tests are paid for by juvenile court fees. The Juvenile Drug Court Coordinator or his/her designee enters data on performance measures on each juvenile drug court participant into Context.