

**IN THE CIRCUIT COURTS OF THE
TENTH JUDICIAL DISTRICT OF ARKANSAS**

ADMINISTRATIVE PLAN – 2015-2016

I. INTRODUCTION

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the undersigned Circuit Judges of the Tenth Judicial Circuit of Arkansas propose this administrative plan for submission to the Supreme Court for the purpose of judicial administration, designation of divisions, and management of caseloads of the divisions beginning January 1, 2015.

This proposal creates a substantially equal assignment of cases among the circuit judges in accordance with the weighted caseload system presently utilized by the Administrative Office of the Courts.

The Tenth Judicial Circuit consists of five (5) counties and five (5) judges. The current judges and their assigned divisions are as follows:

Judge Sam Pope	Division One
Judge Kenneth Johnson	Division Two
Judge Robert Bynum Gibson, Jr.	Division Three
Judge Don E. Glover	Division Four
Judge Teresa French	Division Five

II. ADMINISTRATIVE PLAN

The undersigned Circuit Judges of the Tenth Judicial Circuit submit this proposal as the administrative plan for circuit court administration to the Supreme Court for its approval. This Order is approved and agreed to by the undersigned judges and complies with Administrative Order Number 14.

A. Administrative Policy

The circuit judges will meet when needed for the purpose of administering this administrative order. The Administrative Judge shall call such meetings as and when necessary to carry out this plan and Administrative Order Number 14.

III. DIVISIONS

Each of the five (5) Circuit Judges of the Tenth Judicial Circuit shall at all times have the authority to hear all matters within the jurisdiction of the circuit court.

There is established in the Tenth Judicial Circuit, five (5) subject matter divisions in each county of the judicial circuit. They are as follows: criminal, civil, juvenile, probate, and domestic relations. The designation of divisions is for the purpose of judicial administration and

caseload management and is not for the purpose of subject matter jurisdiction. The creation of divisions shall in no way limit the powers and duties of the judges as circuit judges.

For the purpose of this Order:

1. “Criminal” means cases relating to all matters involving the Arkansas Criminal Code except juvenile delinquency matters.
2. “Civil” means cases relating to all other matters not relating to Probate, Domestic Relations, Juvenile, or Criminal.
3. “Juvenile” means cases relating to families in need of supervision, dependency and neglect, paternity and delinquency.
4. “Probate” means case relating to decedent estates, trust administration, adoption, guardianship, conservatorship, commitment, and adult protective custody.
5. “Domestic Relations” means case relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse.

The above definitions of “Probate” and “Domestic Relations” are not intended to restrict the juvenile division of circuit court from hearing adoption, guardianship, support, custody, paternity, or commitment issues which may arise in juvenile proceedings.

IV. CASE ASSIGNMENT AND ALLOCATION

- A. Except for good cause to the contrary, the case assignment and allocation of cases shall be a substantially equal apportionment among the judges.
- B. Assignment of criminal cases

Effective January 1, 2015, all criminal cases in the District will be assigned by random selection as follows:

Division 1 – Fifty percent (50%) of cases in District

Division 3 – Fifty percent (50%) of cases in Drew County

Division 4 – Fifty percent (50%) of all cases in Ashley, Bradley, Chicot, and Desha counties.

Drug Court – Effective January, 2004, a Drug Pilot Court Discretionary Grant Program was recognized and is being operated in Drew County, Arkansas. Under present policy, offenders from other counties in the District can be referred

there if they otherwise meet acceptance criteria, particularly ability and means to travel. Drug Court shall be presided over weekly, or as otherwise scheduled, by the judges of Division One and Division Three, alternating every two (2) weeks or as otherwise agreed. This program primarily utilizes a post-adjudication process and is open to first time offenders who are recommended by the prosecutor. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program receives staff funding from the Department of Community Corrections. The members of the drug court program include the prosecuting attorney, public defender/defense counsel, treatment professionals, and staff from the Department of Community Corrections.

Juvenile Drug Court -- A Juvenile Drug Court is recognized and is being operated in Ashley County, Arkansas and presided over by Division Five. This court was originally started in January, 2010 and was then funded by tobacco settlement funds but is now funded through Medicaid and Act 1308 funds. The Prosecutor, the Public Defender as well as school counselors, treatment professionals, and staff from the community provider, Phoenix Youth & Family Services, are part of the Juvenile Drug Court Team. The Drug Court Probation Officer, a state employee, is also a part of the team. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program utilizes a post-adjudication process and is open to non-violent offenders. The Drug Court meets twice a month.

Swift and Certain Accountability Probation Pilot Program -- In 2001, the Arkansas Legislature provided for the establishment of five pilot programs known as Swift Courts. The pilots are modeled after the successful Hawaiian Hope Program and are designed to reduce recidivism among high risk probations by requiring swift, certain and graduated sanctions on a small number of easily verifiable behaviors to ensure compliance. The Swift Court in Desha County started in July 2012. The plan provides for a capacity of 20-25 probationers. Upon reaching its target capacity and stabilized procedures, the plan provides for the start of a Swift Court in Chicot County. Eligibility is based on a validated risk/need assessment designed to determine a high risk of re-offending and/or a high risk of failing traditional probation. No offense or conviction, previous or current, shall cause an offender to be determined ineligible for Swift Court as long as the offender is eligible for probation and lives in the Desha or Chicot County area. Division Four presides over Swift Court. Members of the program include the prosecutor, public defender/defense counsel, Department of Community Corrections Probation Officer and the Sheriff's Office for the respective county.

C. Assignment of Juvenile cases.

Effective January 1, 2015, all juvenile cases will be assigned to Division Five.

D. Assignment of child support enforcement cases

Effective January 1, 2015, all domestic relations cases in the district involving establishment of paternity or enforcement of a child support obligation by the Office of Child Support Enforcement Unit of the Department of Human Services, shall be assigned as follows:

Ashley	Division 3
Bradley	Division 4
Chicot	Division 1
Desha	Division 4
Drew	Division 1

E. Assignment of civil cases

Effective January 1, 2015, all civil cases will be assigned by random selection as follows:

Division 1 – Forty percent (40%) of cases in Desha County

Division 2 – Forty percent (40%) of cases in Bradley County

Division 3 – Sixty percent (60%) of cases in Bradley, Desha, and Drew counties and seventy percent (70%) of cases in Ashley and Chicot counties.

Division 4 – Forty percent (40%) of cases in Drew County and thirty percent (30%) of cases in Ashley and Chicot counties.

However, for purposes of judicial economy and the effective use of the personnel resources in the prosecuting attorney's and public defender's offices, civil drug forfeiture cases shall be assigned to the criminal division judge presiding over any associated criminal charges, if any exist. Such assignment shall be done by the Circuit clerk, if they can identify the associated case, or administratively by the Trial Court Assistants.

F. Assignment of domestic relations cases

Effective January 1, 2015, all domestic relations cases will be assigned to Division 2 unless otherwise specifically provided for herein. This includes private paternity cases when neither of the parties is represented by the Child Support Enforcement Unit of the Arkansas Department of Human Services.

G. Assignment of probate cases

Effective January 1, 2015, all probate cases will be assigned to Division 2 and Division 3 on an equal basis by random selection.

Pursuant to Administrative Order Number 14 as amended, “random selection” means that cases assigned to a particular subject matter division shall be randomly distributed among the judges assigned to hear those types of cases.

H. Pending or supplemental proceedings filed after January 1, 2011

Effective January 1, 2011, all matters connected with a pending or supplemental proceeding, including any case subject to re-opening for any reason such as contempt or Motion to Modify, shall be automatically assigned by the clerk in accordance with the assignment schedule set out herein.

I. Cases closed prior to December 31, 2007, and re-opened after January 1, 2011

Effective January 1, 2011, any supplemental proceedings filed in cases closed prior to December 31, 2007, shall be assigned in the same manner as new cases according to the random selection procedure based upon the particular division in which the case fits.

J. Assignment of pending cases

With the exception of one-half (1/2) of the probate cases being assigned to Division 2 and Division 3, all pending cases shall remain in the division where they are presently assigned. If a judge determines transfer is necessary to carry out this plan, it shall be accomplished by transfer order.

K. Recusals

The procedures outlined in Supreme Court Administrative Order Number 14 will be followed in the event of recusal from a pending case by a presiding judge. Should a judge recuse, the case shall be assigned to another judge who is hearing that type case under this plan. If no other judge is hearing these cases, the case shall be assigned by random drawing among all the judges.

L. General chamber day

Any attorney or pro se litigant having an uncontested matter to be presented in the Tenth Judicial Circuit is notified that the circuit judges who handle cases in the district publish a yearly calendar. Those calendars are available in each of the circuit clerk’s offices or from the individual judges’ office. Those calendars normally include days allotted to hearing pre-trial motions, pleas and arraignments, omnibus hearings, and other matters. Uncontested matters may

be placed on these dockets by calling the Trial Court Assistant of the judge scheduled for the particular county as revealed in the calendar.

V. SUPREME COURT

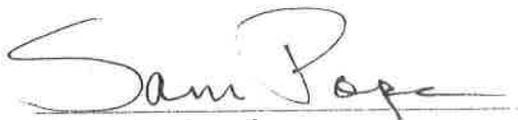
This administrative plan will be submitted to the Arkansas Supreme Court for its approval. Thereafter, a plan will be submitted to the Supreme Court as directed, if necessary. This plan may only be further amended if approved by the Supreme Court. Upon approval by the Supreme Court, the amended plan shall be filed with the Clerk of the Circuit Court in each of the five (5) counties of the Tenth Judicial Circuit and filed with the Clerk of the Supreme Court. In the event, the approved plan is not being followed; a judge should first bring the matter to the attention of the circuit judges for resolution. In the event the complaining judge deems the resolution of the circuit judges, as a voting body, does not resolve the issue, the complaining judge may bring the matter to the attention of the Chief Justice of the Arkansas Supreme Court by setting out in writing the nature of the problem. Upon receipt of a complaint, the Supreme Court may cause an investigation to be undertaken by appropriate personnel and will take other action as may be necessary to insure the efficient operation of the courts and the expeditious dispatch of litigation in the Tenth Judicial Circuit.

VI. TRANSITION

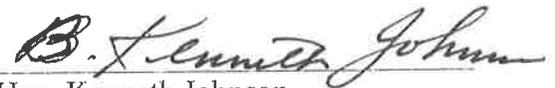
No change in divisions of circuit court will be effective as of January 1, 2015.

VII. ELECTION OF ADMINISTRATIVE JUDGE

Sam Pope serves as administrative judge until December 31, 2016. Thereafter, the judges will each nominate who will serve as next administrative judge and will serve for a period of two (2) years.



Honorable Sam Pope
Division 1
Administrative Judge



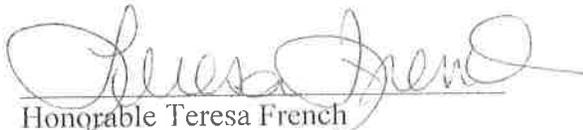
Hon. Kenneth Johnson
Division 2



Honorable Robert Bynum Gibson, Jr.
Division 3



Honorable Don E. Glover
Division 4



Honorable Teresa French
Division 5