

# 22<sup>nd</sup> Judicial District of Arkansas

## 2018 Administrative Case Allocation Plan

### I. Circuit Judges

1<sup>st</sup> Division –

2<sup>nd</sup> Division – Judge Gary Arnold

3<sup>rd</sup> Division – Judge Grisham Phillips

4<sup>th</sup> Division – Judge Robert Herzfeld

### II. District Judges

The Saline County District Court plan was previously submitted by the District Court Judges, but pursuant to the rule is also attached hereto. The specific Circuit Court duties carried out by the District Court judges are listed below.

Benton District Judge Mike Robinson

Bryant District Judge Stephanie Casady

#### A. District Court Authority for certain Circuit Court cases

1. The Saline County District Courts shall have all authority permitted under the Arkansas Supreme Court's Administrative Rule 18.
2. The Bryant Division shall be the primary point of contact for Temporary Order of Protection Petitions and shall hear all Final Order of Protection cases. The Bryant Division shall also be the primary point of contact for uncontested agency adoptions.
3. The Benton Division shall conduct first appearance hearings in felony criminal cases. The Benton Division shall continue to operate a misdemeanor DWI court.
4. As described more fully in Administrative Rule 18, the District Courts shall have authority to hear emergency or uncontested matters pending in civil, domestic relations, or probate court. Any orders which result from said actions shall be copied for review to the appropriate Circuit Judge immediately via paper, fax, or electronic mail.

### III. Circuit Court Administrative Plan

#### A. Division of Cases

1. 1<sup>st</sup> Division
  - a. Domestic Relations 80%
  - b. Criminal 20%
  
2. 2<sup>nd</sup> Division
  - a. Criminal 50%
  - b. Civil 40%
  - c. DHS Dependency/Neglect 100%
  - d. Hope Court (primary judge)
  
3. 3<sup>rd</sup> Division
  - a. Criminal 30%
  - b. Civil 60%
  - c. OCSE/Child Support 100%
  - d. Adult Drug Court 100%
  
4. 4<sup>th</sup> Division
  - a. Probate 100%
  - b. Domestic Relations 20%
  - c. Delinquency/FINS 100%
  - d. Hope Court (secondary judge)
  - e. Administrative Judge
  
5. Each judge shall be available for exchange of cases with the other judges, and no judge shall refuse assignment of a case solely on the grounds that he is not responsible for that type of case.
  
6. The judges within this district have unanimously agreed upon the herein division of duties and further agree that this plan shall not be altered except upon unanimous agreement. The judges shall meet from time to time, and in any event, no less than once every six months to review this plan and ensure the effective administration of justice.

B. Case Assignment and Allocation

1. Juvenile, DHS, Child Support Enforcement, Hope Court, and Adult Drug Court shall be assigned to the specific Division indicated above. All other cases shall be assigned by the Clerks randomly pursuant to the above percentages.
2. The Circuit and County Clerks shall assign cases according to this plan. In the event the Clerk is unable to determine in which category a particular case belongs, the Clerk shall follow the direction of the Administrative Judge.
3. Probation revocations shall be assigned to the division of the originating case and any new cases involving the same defendant shall be assigned to the original division as well.

C. Circuit Court Caseload Estimate by Annual Filings

1. 1<sup>st</sup> Division –1200 cases
2. 2<sup>nd</sup> Division –1300 cases
3. 3<sup>rd</sup> Division –1250 cases
4. 4<sup>th</sup> Division –1300 cases

The Circuit Judges agree that the above division of cases is substantially equal based upon the varying degrees of complexity and time required for the varying types of cases and accompanying procedural and administrative duties.

IV. Recusal Procedures

In the event recusal is necessary, the Circuit Judge shall personally inquire as to whether the other judges are available to handle the case beginning with other judges who typically hear that subject matter. In the event all four circuit judges must recuse, the original recusing Judge shall ask the two District judges if they are available (except that the Bryant Division shall not hear any cases prosecuted by the Saline County Prosecutor's Office).

The original judges Trial Court Assistant shall prepare the order transferring the case and inform counsel or *pro se* parties of the transfer.

In the event the District Judges are unable to handle the case, then the original Circuit Judge shall make the proper request to the Chief Justice of the Arkansas Supreme Court in a timely manner. The original Judge's Trial Court Assistant shall coordinate with the Administrative Office of the Courts and the Appointed Special Judge and counsel/*pro se* parties regarding courtroom scheduling and any special needs.

V. Specialty Dockets

The 22<sup>nd</sup> Judicial District has four Specialty Dockets all authorized by statute and previously approved by the Arkansas Supreme Court. The respective presiding judges by their signatures below hereby certify that their programs conform to all applicable sentencing laws.

1. Saline County Adult Drug Court—Circuit Judge Grisham Phillips
2. Saline County Juvenile Drug Court—Circuit Judge Robert Herzfeld
3. Saline County Hope Court—Circuit Judge Gary Arnold
4. Saline County DWI Court—Circuit District Judge Mike Robinson


VI. Current Circumstances

First Division Judge Bobby McCallister is currently under suspension. This plan reflects the status quo as to Delinquency/FINS and Adult Drug Court, which are assigned to 1<sup>st</sup> Division under the previous plan but Judges Herzfeld and Phillips are currently handling respectively. The regular criminal and civil cases in 1<sup>st</sup> division are being handled by special judges assigned by the Chief Justice. It is possible that once that situation is resolved it will be necessary to submit a request to amend this plan.

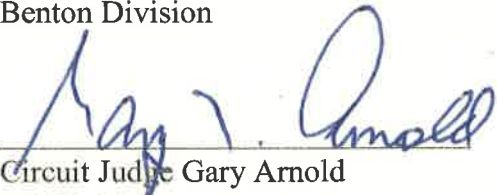
APPROVED ON THIS \_\_\_\_<sup>TH</sup> DAY OF October, 2017.

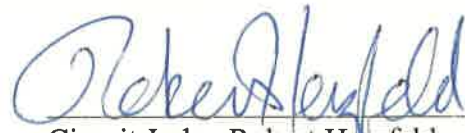
  
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District Judge Stephanie Casady  
Bryant Division

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Circuit Judge (suspended)  
1<sup>st</sup> Division

  
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Circuit Judge Grisham Phillips  
3<sup>rd</sup> Division

  
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District Judge Mike Robinson  
Benton Division

  
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Circuit Judge Gary Arnold  
2<sup>nd</sup> Division

  
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Circuit Judge Robert Herzfeld  
4<sup>th</sup> Division  
Administrative Judge