

Sixth Judicial Circuit
Amended Case Assignment Plan, Effective January 1, 2020

1. **Goal of the Plan:** Pursuant to Administrative Order Number 14, as amended, the judges of the Sixth Judicial Circuit have agreed to a Case Assignment Plan that will maximize the resources of Pulaski and Perry Counties while equitably dividing the caseload among the seventeen (17) circuit judges. The Plan takes into consideration various factors, including, but not limited to the current caseload assignment, the location of the facilities, the number of courtrooms suitable for jury trials, and the desire of each individual judge regarding case assignment. Because of six (6) new circuit judges being elected and sworn into office on January 1, 2021, this Plan represents a case assignment plan for both calendar years 2020 and 2021.

By presenting this Plan to the Arkansas Supreme Court, the judges of the Sixth Judicial Circuit recognize that the Plan is a compromise of many factors and that the ultimate goal is to serve best the citizens of Pulaski and Perry Counties. Changes in the Plan may be made depending on changed circumstances during the effective term of the Plan. Any change will be presented for approval of the Arkansas Supreme Court before implementation.

2. **Effective Dates:** This Plan shall be enacted for the period between January 1, 2020 and December 31, 2021. The Plan shall remain in effect during that period unless otherwise modified, and shall continue until the Arkansas Supreme Court has approved another Plan.

3. **Voting:** Pursuant to the Per Curiam Opinion delivered January 30, 2003, a majority of the circuit judges in the judicial district shall be sufficient to adopt a plan. In the Sixth Judicial Circuit, there are seventeen (17) circuit judges; therefore, nine (9) votes are required to adopt a plan, and any modifications thereafter.

4. **Administrative Plan:** All cases are to be apportioned among the circuit judges as equally as possible by random selection, and cases may be reassigned as necessity requires. A circuit judge to whom a case is assigned shall accept that case unless he or she is disqualified or the interests of justice require that the case not be heard by that judge.

Pulaski County Caseload Plan:

- a. Pulaski County Average Caseload. Using year end 2018 case filing figures, the total number of cases filed in Pulaski County was 22,707, an increase of 3,191 cases above the figures used in the 2016 Plan. Judge James has 63 active Drug Court and Veteran's cases, with 399 active warrants. A total of 43 cases have closed due to graduation, etc. The caseload of each circuit judge, if divided equally between the seventeen (17) judges, would be approximately 1,335 for calendar year

2020. The circuit judges acknowledge that since the juvenile courtrooms are located separate from the Pulaski County Courthouse, the logistics require a deviation from the concept of equal case filings for each judge. In that regard, the Plan proposes that of the three (3) circuit judges currently hearing juvenile cases, Judge James hears Drug Court and Veteran's Court cases and still maintains a caseload of juvenile related cases. It is anticipated that filings for both Drug Court and Veteran's Court will dramatically increase at that time. Judges Warren and Branton will continue hearing a full juvenile caseload plus the truancy cases that would normally be assigned to Judge James. The judges will continue the pre-diversion program in juvenile court and have the responsibility of monitoring the participants. All three (3) judges will also participate in the rotation for hearing mental health cases. Judge McGowan no longer hears Drug Court and Veteran's Court cases except for motions for expungement of the cases she has heard in the past. All remaining Drug Court and Veteran's Court cases have been transferred to Judge James.

Beginning in 2021, unless the case filing numbers substantially increase, only two (2) circuit judges (Divisions 8 and 10) will be assigned to hear juvenile matters. Judge Patti James (Division 11), beginning January 1, 2021 will move her chambers to the Pulaski County Courthouse and no longer hear juvenile cases. Judge James' juvenile cases, including closed and current juvenile cases, will be evenly divided and assigned to Divisions 8 and 10. Those Divisions will continue to hear all juvenile cases.

The juvenile probation and intake officers currently under the supervision of Judge James will, on December 31, 2020, transfer to Divisions 8 and 10 equally. The new circuit judges for Divisions 8 and 10 sworn into office on January 1, 2021 will then have the control and supervision of these juvenile probation and intake officers as well as those currently assigned to Division 11. The juvenile probation and intake officers shall serve at the pleasure of the circuit judges.

The Circuit Judges have obtained case filings as of May 2019 from the Pulaski Circuit Clerk that indicate, if the trend of current filings continue, that year end 2019 filings will increase substantially over year end 2018 filings. At the end of May 2019, the filings are as follows: criminal-2689; civil-3841; domestic-2511; probate-1309 and juvenile-905. In addition, DF&A is filing large numbers of Certificates of Indebtedness that are filed as civil cases, which could inflate the civil case filings by 1400-1800 per year. These new filings are not included in this Case Assignment Plan, but if the trend continues, an Amended Case Assignment Plan may be submitted for consideration at the end of 2019 or early 2020.

- b. The Circuit Judges and the eight (8) State District Judges, as of January 1, 2020, have agreed that pursuant to Administrative Orders 14 and 18, the State District Judges will hear a category, or categories, of cases referred to them by the circuit court as will be described in more detail below. It is estimated that approximately 1800 to 2400 hearings are set each year for the State District Judges but with hearings canceled for lack of service or the entry of agreed orders, the actual number of hearings held is substantially less. The Circuit Judge continues to have jurisdiction of the case for other issues.

The judges of the 6th Judicial Circuit have noticed a trend since 2008 of the numbers of cases filed and the increase/decrease of filings in certain subject matters. As a result of these trends, it is necessary for the judges to monitor the filings periodically to ensure that each judge is receiving a fair and proportionate number of cases each year.

- c. Breakdown of Subject-Matter Divisions:

Case Type:	Number of Cases:
	<u>Using Year End 2018 figures</u>
Criminal	4922
Civil	8806
Domestic	4769
Juvenile	1573
Probate	2637
TOTAL	22707

- d. **For calendar year 2020**, these judges will hear the following type cases in Pulaski County:

1. Warren, Branton and James will share in the juvenile caseload.
2. Johnson, Wright, Griffen, Piazza and Sims will share in the criminal caseload; pursuant to the Per Curiam Opinion delivered by the Supreme Court of Arkansas on April 17, 2017, Judge Griffen in Fifth Division Circuit, will not hear, or be assigned, cases that involve the death penalty or the state's execution protocol, whether civil or criminal.
3. Piazza, Griffen, Fox, Gray, Pierce, Welch, Wright and McGowan will share in the civil caseload; pursuant to the Per Curiam Opinion delivered by the Supreme Court of Arkansas on April 17, 2017, Judge Griffen in Fifth Division Circuit, will not hear, or be assigned, cases that involve the death penalty or the state's execution protocol, whether civil or criminal.
4. Compton, Reif, Smith, Moore, and Welch will share in the domestic relations caseload.

5. Compton, Reif, Smith, Moore, and Welch, will share in the probate caseload including case distribution at Mental Health Court; in addition, Johnson, Piazza, James, Wright, Warren, Pierce, Branton and McGowan will participate in the rotation of hearings at Mental Health Court.
 6. Judge James will hear Drug Court and Veteran's Court cases, with the exception of motions for expungement for Drug Court and Veteran's Court cases previously heard by Judge McGowan.
- e. The division of cases is listed below. The numbers of cases listed are approximations because the filings will vary from year to year.

Div.	Judge	Percentage (No. of cases)	Total
1 st	Johnson	30% criminal (1509)	1509
2 nd	Piazza	10% criminal (492); 11.5% civil (1012)	1504
3 rd	Compton	21.25% domestic (1013); 1/5 probate (527)	1540
4 th	Wright	20% criminal (984); 6% civil (528)	1512
5 th	Griffen	10% criminal (492); 11.5% civil (1012)	1504
6 th	Fox	17% civil (1497)	1497
7 th	Sims	30% criminal (1509)	1509
8 th	Branton	33.3% delinquency, Fins, DHS	587*
9 th	McGowan	17% civil (1497)	1497
10 th	Warren	33.3% delinq, Fins, DHS	587*
11 th	James	33.3% delinq, Fins, DHS, Drug and Veterans Court	400*
12 th	Gray	17% civil (1497)	1497
13 th	Reif	21.25% domestic (1013); 1/5 probate (527)	1540
14 th	Smith	21.25% domestic (1013); 1/5 probate (527)	1540
15 th	Moore	21.25% domestic (1013); 1/5 probate (527)	1540
16 th	Welch	3% civil (264); 15% domestic (715); 1/5 probate (527)	1506
17 th	Pierce	17% civil (1497)	1497

*The three (3) judges hearing juvenile cases will also make the following adjustments: of the truancy cases assigned to Judge James, Judges Warren and Branton will hear those cases (approximately 78 each per year). In addition, the above figures do not represent the informal diversion cases (currently 109 youth are participating) to which the judges are responsible.

f. For calendar year 2021, these judges will hear the following type cases in Pulaski County:

1. The new circuit judges elected to 8th and 10th Divisions will share in the juvenile caseload.

2. Johnson, Griffen, Sims and Compton will share in the criminal caseload; pursuant to the Per Curiam Opinion delivered by the Arkansas Supreme Court on April 17, 2017, Judge Griffen in the Fifth Division Circuit, will not hear, or be assigned, cases that involve the death penalty or the state's execution protocol, whether civil or criminal.

3. Griffen, Fox, Gray, Pierce, Wright, Welch and James will share in the civil caseload.

4. Reif, James and the new circuit judges elected to 2nd, 9th, 14th and 15th Divisions will share in the domestic relations caseload.

5. Reif and the new circuit judges elected to 2nd, 9th, 14th and 15th divisions will share in the probate caseload including the case distribution at Mental Health Court; in addition, Johnson, James, Wright, Pierce and the new circuit judges elected in 8th, 9th and 10th Divisions will participate in the rotation of hearings at Mental Health Court.

g. The division of cases is listed below. The numbers of cases listed are approximations because the filings will vary from year to year.

Div.	Judge	Percentage (No. of cases)	Total
1 st	Johnson	29% criminal (1427)	1427
2 nd	new judge	18.8% dom (897); 20% prob (527)	1424
3 rd	Compton	29% criminal (1427)	1427
4 th	Wright	16% civil (1409)	1409
5 th	Griffen	13% criminal (639); 9% civil (792)	1431
6 th	Fox	16% civil (1409)	1409
7 th	Sims	29% criminal (1427)	1427
8 th	new judge	50% juvenile (786)	786
9 th	new judge	18.8% dom (897); 20% prob (527)	1424
10 th	new judge	50% juvenile (786)	786
11 th	James	Drug Ct (150); 11% civil (969); 6% dom (286)	1405
12 th	Gray	16% civil (1409)	1409
13 th	Reif	18.8% dom (897); 20% prob (527)	1424
14 th	new judge	18.8% dom (897); 20% prob (527)	1424
15 th	new judge	18.8% dom (897); 20% prob (527)	1424
16 th	Welch	16% civil (1409)	1409
17 th	Pierce	16% civil (1409)	1409

This Plan is made with the specific understanding that pursuant to Administrative Order No. 14, a new plan will have to be submitted to the Arkansas Supreme Court after each election. The judges agree that this Plan will not create a precedent as to how cases are assigned in the future. The judges also recognize that it is likely that the number of cases in each subject matter may increase or decrease over the next year or two and that modifications may be required.

h. Use of Courtrooms and Jury Pools. Since not all judges have courtrooms that are suitable for jury trials, those judges lacking such a courtroom shall contact a circuit judge who does have a courtroom suitable for a jury trial. The judges shall coordinate the setting of jury trials, the sharing of jury pools, and resolve any other issues that arise that will facilitate the setting of jury trials. A request for a jury trial by one of the judges will take precedence over any non-jury matter for that particular day. Any judge hearing juvenile cases and in need of courtroom facilities for a jury trial shall contact any of the judges at the Pulaski County Courthouse to arrange for the use of their courtroom and jury pool. The courtrooms of Judge Chip Welch, Judge Mackie Pierce and Judge Alice Gray on the 3rd floor of the Pulaski County Courthouse are available for jury trials.

Perry County Caseload Plan:

a. In 2018, there were a total of 341 cases filed in Perry County:

Criminal	73
Civil	109
Domestic	93
Juvenile	11
Probate	55

- b. The Circuit Clerk of Perry County will assign each new case to one of the seventeen (17) circuit judges so as to assure that each judge will have substantially the same number of cases as other judges hearing the same case type to which they are assigned. The assigned judge is responsible for the case file; however, by agreement of the circuit judges, nothing shall preclude any other circuit judge from hearing any and all routine and uncontested matters irrespective to which judge the case is assigned.
- c. The circuit judges hearing criminal cases in Perry County in calendar year 2020 will each have a pre-trial day and then a trial day approximately two (2) weeks later, if necessary. Judges Johnson, Griffen, Piazza, Wright, McGowan and Sims will hear criminal cases in Perry County on a rotating basis. In calendar year 2021, the following circuit judges will hear criminal cases in Perry County: Judges Johnson, Griffen, Compton and Sims.
- d. Those circuit judges hearing civil, domestic and probate cases in Perry County in 2020 will be Judges Gray, Griffen, Fox, Pierce, Compton, Welch, McGowan, Reif, Moore and Smith. In 2021, the judges will be Judges Gray, Griffen, Fox, Pierce, Welch, James, Reif, Wright and Compton and the judges elected to 2nd, 9th, 14th and 15th Divisions.

- e. Pursuant to the Per Curiam Opinion delivered by the Supreme Court of Arkansas on April 17, 2017, Judge Griffen shall not hear, or be assigned, cases that involve the death penalty or the state's execution protocol, whether civil or criminal.
- f. Those circuit judges hearing juvenile cases in Perry County in 2020 will be Judges Warren, Branton and James. In 2021, the judges elected to 8th and 10th Divisions will hear juvenile cases in Perry County.

5. **Drug Court and Veterans' Treatment Court:** The Sixth Judicial Circuit's Drug Court program has been in operation since 1994; the Veteran's Court has been in operation since December 2011. Judge James presides over all Drug Court and Veteran's Court cases with the exception of any expungement requests of cases that were heard by Judge McGowan, which will be heard by her. The program is a post adjudication process and has been since early 1998. Prior to that time, it was a pre-adjudication process.

6. In drug court, the defendant must elect to enter the Drug Court program as he/she gives up his/her right to a jury trial as he/she must plead guilty. The prosecutor then has the ability to object. However, the program is wide open as to the offenses charged. The program operates in conformity with all criminal statutes and the rules of criminal procedure. No fees are paid to the Court. Arkansas Community Corrections (ACC) provides counselors and probation officers. All probation fees are paid to the ACC. All court costs and fines are paid to the Pulaski County Clerk's office in conformity with the statutes regarding all criminal fines and court costs.

7. The Sixth Judicial Circuit's Prosecuting Attorney has assigned a deputy prosecuting attorney to staff Drug Court and Veterans' Treatment Court (VTC). The Public Defender of the Sixth Judicial Circuit has assigned one deputy public defender to staff these respective courts. These attorneys as well as the private defense bar appear in Drug Court and Veterans' Treatment Court. ACC employs both counselors and probation officers.

The Veteran's Treatment Court is patterned after the Drug Court. It has been in operation in the Sixth Judicial Circuit since December 2011. It is a post adjudication court. There are two differences between VTC and Drug Court: (1) VTC is only available to qualified veterans who have criminal charges, and (2) the veterans can suffer from mental illness issues and/or substance abuse. The defendant is eligible with either diagnosis or both. The Veterans Administration employs a VTC liaison who determines if the defendant is an eligible veteran. Then the same process takes place with the defendant initiating the movement to VTC and the prosecuting attorney agreeing to it. VTC adheres to all criminal statutes and the rules of criminal procedure. ACC provides probation officers. The probation fees go directly to ACC. All court costs and fines are paid to the Pulaski County Clerk's office. The VA provides counseling for substance abuse and/or mental illness, residential treatment, housing assistance and eligible benefits assistance. The

same deputy public defenders that staff Drug Court also staff VTC. Private defense counsel also represent defendants in VTC.

There is no funding for either of these courts. Each respective entity—the Court, its staff, the VA, the ACC, the prosecuting attorney and the public defender are not paid any additional money for operating either Court.

8. **Pulaski County Safe Babies Court (ZERO TO THREE)**: This project has been implemented by Judge Joyce Warren in the 10th Division Circuit Court. The Pulaski County Safe Babies Court (ZERO TO THREE) began in 2010 as the Arkansas Safe Babies Pilot Court. Judge Warren was, and still is, the judge who presides over this docket. Beginning on January 1, 2021, the new 10th Division circuit judge will be responsible for this Court. The Division of Children and Family Services (DCFS) and Division of Childcare and Early Childhood Education (DCCECE) of the Arkansas Department of Human Services (DHS) asked ZERO TO THREE to bring the Safe Babies Court Team Project to Arkansas, and a Deputy Director of DHS asked Judge Warren to be the judge of the pilot court.

The Pulaski County Safe Babies Court operates under the auspices of ZERO TO THREE, a national organization with a significant track record in turning the science of early development into helpful resources, practical tools, and responsive policies for parents, professionals, and policymakers. The Safe Babies Court is a systems-change initiative focused on improving how the court, DHS (the child welfare agency), and related child-serving organizations work together, share information, and expedite services for young children in the child welfare system. The goals of Safe Babies Court Team are: (1) to increase knowledge about the negative impact of abuse and neglect on very young children; and (2) change local systems to improve outcomes and prevent future court involvement in the lives of very young children.

The Safe Babies Court has a Community Coordinator position funded by ZERO TO THREE. This individual's focus is to locate persons and programs in the community that can provide appropriate services to the children and families to meet the developmental needs of infants and toddlers in foster care.

The Pulaski County Safe Babies Court focuses on infants from birth to three (3) who are adjudicated dependent-neglected and remain in DHS' custody. When the Judge signs an Ex Parte Order for Emergency Custody and Dependency-Neglect removing a child within that age group from the legal custody of a parent, guardian, or custodian, the Trial Court Administrator notifies the Pulaski County Community Coordinator for the Safe Babies Court Team (SBCT) and the CASA (Court Appointed Special Advocate) Office of the date and time of the probable cause hearing. The Community Coordinator and a CASA supervisor attend the probable cause hearing. After that hearing and before the adjudication hearing, the Community Coordinator gives the parents information about the ZERO TO THREE Safe Babies Court so the parents can make an informed decision about whether they want to participate--if the Court designates the case as ZERO TO THREE—because parents' participation is entirely voluntary. If the child is adjudicated

dependent-neglected, the parent(s)' attorney, attorney *ad litem*, DHS attorney, and Community Coordinator give the Court a recommendation about whether the case should be a ZERO TO THREE case. Judge Warren has the final decision.

Safe Babies Court holds hearings every six (6) weeks, which is more frequent than other DHS cases; the children and parents have more frequent visitations-- [three (3) hours each week for two (2) hours each visit) with some visits held at places other than the DHS offices]. Other services to the family include specialized parenting classes, visit coaches, child-parent psychotherapy, and other trauma-focused services. The Court refers to and calendars these cases as ZERO TO THREE cases. Each case has a CASA assigned. A family team meeting, facilitated by a certified mediator who is the UALR Mediation Program Coordinator, is held every five (5) weeks to address the progress, problem-solve, and prepare a report for the upcoming court hearing. The Court sets aside a Wednesday and Thursday every six (6) weeks for the ZERO TO THREE hearings.

9. Meetings for Judges: The Administrative Judge shall establish regular meetings for all circuit judges of at least quarterly, or more or less often, as is necessary. If at least three (3) circuit judges request a special meeting, the Administrative Judge shall promptly call a meeting for all circuit judges.

10. Election of Administrative Judge: An election for Administrative Judge was held in February, 2018. Judge Vann Smith was elected Administrative Judge by secret ballot by a vote of 15-0 vote. Judge Smith will serve as the Administrative Judge until such time as the next election is required to be conducted in accordance with Administrative Order No. 14.

11. Reassignment of subject matter: The issue of burn-out was first raised by the Arkansas Supreme Court in a per curiam opinion several years ago. The Court recognized that a judge assigned to a particular subject matter may, in time, request an assignment to hear other type subject matters of cases other than those currently assigned to that judge.

As is true in the current Case Assignment Plan for 2020, several judges have requested a different mix of cases such as an increase in civil cases, a decrease in domestic relations cases and a request to not hear criminal cases. Amendment 80 gives the judicial circuits the luxury of modifying its case assignment plans to accommodate these requests.

Because of the configuration of having a main courthouse housing fourteen (14) judges in the downtown Little Rock area and a juvenile courthouse housing currently three (3) judges on Roosevelt Road in Little Rock hearing exclusively juvenile matters, it is difficult to conveniently modify the case assignment plan to accommodate a desire of one or more of the judges hearing juvenile matters to hear other type cases. It is anticipated that as of 2021, only two (2) circuit judges will hear juvenile matters and that a fifteenth circuit judge will be housed in the Pulaski County Courthouse.

To remedy the situation and to address the issue of burn-out of all judges, as a vacancy occurs in one or more of the seventeen (17) divisions of circuit court, the use of seniority will be utilized to allow a sitting circuit judge to relocate his/her division of court into the facilities of the vacant judicial division and to assume all or part of the case type currently assigned that division as long as it is consistent with the current Case Assignment Plan. The most senior judge would have the first option to elect to fill the vacancy. The next senior judge would then have the option to relocate, and so on. All subsequent vacancies created by this relocation would then be filled in a like manner using seniority. No sitting judge could be removed from his/her existing caseload or chambers using this process. No judge would change division designation or vacate the sub-district designation assigned to that particular division of court because they elected to relocate to another courtroom and chambers space.

A “vacancy” occurs when a sitting circuit judge leaves the bench because of retirement, removal, death or loss of re-election and the vacancy is filled by election. A “vacancy” does not occur when the Governor appoints a person to fill the vacant judicial position.

[By way of example only, if 14th Division Circuit Court becomes vacant because of resignation, removal or death of the sitting judge and if the Governor appoints a person to fill 14th Division, there would not be a vacancy which would allow a sitting judge to move to the courtroom and chambers of 14th Division at that time because the vacancy would be filled by appointment. If, however, an election occurs to fill 14th Division, a sitting judge could decide to move his/her division of court to 14th Division using seniority. If the 7th Division Circuit Judge elects to relocate to the 14th Division courtroom and chambers, then the 7th Division Circuit Judge will remain 7th Division as that is the division of court to which he/she was elected. The 7th Division Circuit Judge would simply move to the new courtroom facilities. The 14th Division would then relocate to another courtroom and chambers in the Pulaski County Courthouse or to the Juvenile Court Building on Roosevelt Road, Little Rock, Arkansas based on seniority.]

If more than one judge wants to relocate after an election has occurred, the use of seniority will dictate the order in which the relocation process shall take place.

The relocating judge must make the decision to relocate to the vacancy by notifying the administrative judge and the newly elected judge at least thirty (30) days after the general election for judges in either the spring election, special election or in November, depending on whether there is a run-off or not for that judgeship.

Effective January 1, 2021, Judge Compton has elected to move her chambers to Room 230 (currently occupied by Judge Piazza). Judge James has elected to move her chambers to Room 320 (currently occupied by Judge McGowan). The new judge elected to 2nd Division will occupy the chambers in Room 320 (currently occupied by Judge Compton on the 3rd floor of the courthouse). The new judge elected to 9th Division will have the chambers in Room 202 (currently used by the District Court Judges) on the 2nd floor of the courthouse. The District Court Judges will relocate to the chambers vacated by Judge James.

12. Recusal Policy: The Arkansas Supreme Court has directed the circuit courts to develop a recusal policy and place it in the Case Assignment Plan. The recusal policy for Pulaski and Perry Counties shall be as follows:

- a. If a judge decides to recuse on a case assigned to that judge, the judge shall enter an order to that effect and shall direct the circuit clerk to randomly reassign the case to another judge who hears that subject matter. If all the judges hearing that particular subject matter recuse, then the clerk shall randomly assign the case to the remaining judges until a judge decides to hear the case, or all judges recuse, in which case the clerk shall notify the administrative judge who will then contact the Chief Justice of the Arkansas Supreme Court for assignment to another judge.
- b. The recusing judge is to immediately notify the new judge of the assignment and also the attorneys or litigants, if pro se, of the recusal and reassignment.
- c. No reason for the recusal is required if the Order of Recusal is filed within six (6) months from the date the recusing judge is assigned the case. If the Order of Recusal is filed after six (6) months, the recusing judge is to state a reason for the recusal in the Order. This will provide the necessary transparency to this process so that litigants and attorneys will understand why the recusal was necessary. No subsequent court may refuse to accept the reassignment of the case from the clerk because of the sufficiency of the reason for recusal nor shall any litigant have the authority to question the court's decision to recuse.

13. State District Court Judges: Pursuant to Supreme Court Administrative Order No. 18, section 6, and legislation passed in the 2011 legislative session, eight (8) District Judges in Pulaski County were made State District Judges as of January 1, 2017. The Judges, as of January 1, 2018, will be: Judge Wayne Gruber, Judge Rita Bailey, Judge Randy Morley, Judge Milas H. "Butch" Hale, III, Judge Paula Juels Jones, Judge Melanie Martin, Judge Mark Leverett and Judge Vic Fleming.

The State District Judges are authorized to hear certain cases that have been referred to them by the Circuit Judges of Pulaski County, Arkansas or cases which have been transferred to them by consent, pursuant to Administrative Order No. 18.

The State District Judges have signed an exchange agreement, a copy of which is attached to this Amended Case Assignment Plan, permitting the respective judges to sit in the respective courts other than their own pursuant to and under the authority of Ark. Const. Amend. 80, Sec. 7; Ark. Code Ann. Sec. 16-17-102 and Supreme Court Administrative Order No. 18, section 6. By signing this exchange agreement, the District Judges will have the authority to hear circuit court cases with jurisdiction and venue in

Pulaski and Perry Counties that have either been referred to them or which have been transferred to them by consent.

The Circuit Judges of the Sixth Judicial Circuit, as indicated by their approval to this Plan, intend to utilize the full-time District Judges to the fullest extent possible pursuant to the requirements of Administrative Order No. 18, Sec. 6.

Implementation Plan. The State District Judges shall hear cases originating from the Office of Child Support and Enforcement, final Petitions for Orders of Protection, and unlawful detainer actions. The State District Judges have agreed to and have been assigned specific days to hear these cases. A calendar of the schedules of the judges will be maintained by the Administrative Judge and is open for inspection. The State District Court will hear cases Monday through Thursday of each week. A courtroom in the Pulaski County Courthouse has been created and used by the State District Judges. Beginning in 2021, the courtroom will be moved to the Juvenile Justice Center in the courtroom vacated by Judge James. The Circuit Court has arranged for staffing including a case coordinator and bailiff. Recording equipment has been installed and is in use.

The cases are assigned to one of the circuit judges, but the category of cases are heard by referral by the State District Judges pursuant to Admin. Order No. 18. In addition to the category of cases described above, other matters may be submitted to the State District Judges such as authorized by Admin. Order No. 18 (6)(b) upon agreement of the Circuit Judges and the State District Judges. If there are any substantive changes to this Implementation Plan, the Supreme Court will be asked to approve the change.

Criminal Magistrates. The administrative judge for the 6th Judicial Circuit, with the concurrence of a majority of the circuit court judges, and with the consent of the district judges, has appointed the judges of the Pulaski County District Court, the Little Rock District Court-Criminal Division, the Sherwood District Court, the North Little Rock District Court-Criminal Division, and the Maumelle/Jacksonville District Court as Criminal Magistrates to hear the following matters authorized by the Arkansas Rules of Criminal Procedure 1.8 (b)(iii)-(v):

1. Make a reasonable cause determination pursuant to Arkansas Rule of Criminal Procedure 4.1(e);
2. Conduct a first appearance pursuant to Arkansas Rules of Criminal Procedure 8.1, at which the Criminal Magistrate may appoint counsel pursuant to Rule 8.2; inform a defendant pursuant to Rule 8.3; accept a plea of “not guilty” or “not guilty by reason of insanity”; conduct a pretrial release inquiry pursuant to Rules 8.4 and 8.5; or release a defendant from custody pursuant to Rules 9.1, 9.2 and 9.3;
3. Conduct a preliminary hearing as provided by ACA Sec. 16-93-307(a).

14. **Pulaski County Mental Health Court:** ~~The Little Rock District Court,~~ ^{Circuit} has created the Pulaski County Mental Health Court-Little Rock, which was established

LSB/vs

pursuant to ACA Sec. 16-100-101 and ACA Sec. 16-100-201, et seq. The Court will operate subject to the criteria contained in the Amended Little Rock District Court Administrative Plan. The Court is a voluntary, post-adjudication, highly intensive supervision program designed to address the needs of high risk/high needs persons with a mental illness or co-occurring disorder with current misdemeanor criminal cases.

Pursuant to ACA Sec. 16-100-204 (b)(2), the administrative plan for the judicial circuit may designate a district court judge(s) to administer the mental health specialty court program if a judicial district does not have a circuit judge who is available to administer the mental health specialty court program on a consistent basis.

The district court judges designated to administer the mental health specialty court program include:

Judge Melanie Martin	Little Rock District Court	Division 1
Judge Mark Leverett	Little Rock District Court	Division 3

15. Copies of District Court Administrative Plans: A copy of the Administrative Plans for the District Courts in Little Rock, North Little Rock, Pulaski County, Sherwood, Maumelle, Jacksonville, Wrightsville/Cammack Village and Perry County are attached. Paragraph 13, above, is incorporated into each of the District Court Administrative Plans as if set out word for word therein.

The Amended Case Assignment Plan for the Sixth Judicial Circuit is submitted for approval on this 11th day of ~~January~~ February, 2020.

Approved:

Approved by email. HUS
Judge Leon Johnson

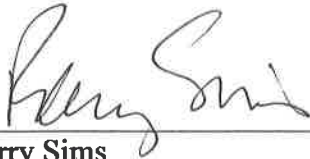
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Judge Chris Piazza


Judge Cathi Compton


Judge Herb Wright


Judge Wendell Griffen


Judge Tim Fox



Judge Barry Sims

Approved by email. HVS

Judge Wiley Branton



Judge Mary Spencer McGowan


Approved by email. HVS

Judge Joyce Williams Warren

Approved by email. HVS

Judge Patricia James

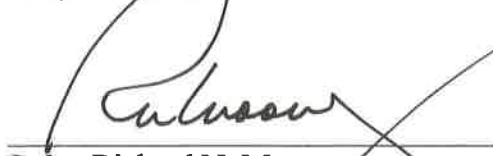
Judge Alice Gray



Judge Mike Reif



Judge Vann Smith



Judge Richard N. Moore

Approved by email. HVS

Judge Morgan "Chip" Welch



Judge Mackie Pierce

DISTRICT COURT ADMINISTRATIVE PLAN

Little Rock District Court, Wrightsville District Court, and Cammack Village District Court, all in the Thirty-First District, as established by Ark. Code Ann. Sec. 16-17-110

Whereas Arkansas Code Annotated Section 16-17-110 (E) provides that "Effective January 1, 2017, the Thirty-First (31st) District shall continue to have eleven (11) departments that shall be served by eight (8) state district judges"; and,

Whereas the referenced statute further provides that the judges of the above mentioned courts "shall be elected districtwide and shall have district-wide territorial jurisdiction"; and,

Whereas the 31st District is defined as being Pulaski County, Arkansas; and,

Whereas the referenced statute provides further that

"The Little Rock District Court – First Division shall be served by one (1) judge"; and,

"The Little Rock District Court – Second Division shall be served by one (1) judge"; and,

"The Little Rock District Court – Third Division, the Wrightsville District Court and the Cammack Village District Court shall be served by one (1) judge"; and,

Whereas, it is now appropriate pursuant to the applicable administrative orders of the Arkansas Supreme Court, that the below three judges of the above referenced courts set forth the administrative plan for said courts,

BE IT HEREBY RESOLVED, AGREED, ESTABLISHED AND SET FORTH by the below signed judges as follows, for submission to the Arkansas Supreme Court for its approval.

1. **Judges:** The Little Rock District Court is served by three State District Judges:

Melanie Martin

Division 1

Vic Fleming

Division 2

Mark Leverett

Division 3

Additionally, Judge Mark Leverett serves as a State District Judge in and for the Wrightsville District Court and the Cammack Village District Court.

2. COURT SESSIONS:

LITTLE ROCK DISTRICT COURT sessions are regularly scheduled as follows:

Division 1	Mon.-Fri.	8:30 a.m. – finish
Division 2	Mon-Thu. Fri.	8:30 a.m. – finish As and when needed
Division 3	Mon., Wed., Thu. Tue.	1:00 p.m. – finish 1:30 p.m. – finish

WRIGHTSVILLE DISTRICT COURT sessions are regularly scheduled as follows:

2 nd and 4 th Tue.	9:00 a.m. – finish
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CAMMACK VILLAGE DISTRICT COURT sessions are regularly scheduled as follows:

4 th Fri.	9:00 a.m. – finish
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PULASKI COUNTY CIRCUIT COURT sessions:

The 31st District State District Court Judges of the above courts sit for the Sixth Judicial Circuit Court Judges, in the Pulaski County Courthouse (in the State District Court courtroom on the second floor) on certain days, as follows:

Judge Martin (1 st & 3 rd Thu.)	1:00 p.m. – finish
Judge Fleming (2 nd & 4 th Tue.)	1:00 p.m. – finish
Judge Leverett (1 st & 3 rd Tue.)	9:00 a.m. – finish

3. TYPES OF CASES:

- a. Little Rock District Court, 600 West Markham Street; Little Rock, AR 72201;
 - Division 1 Non-traffic misdemeanors (arraignment, plea, trial)
Felonies (probable cause and bond issues)
 - Division 2 Traffic violations and misdemeanors (arraignment, plea, trial)
Felonies arising from traffic cases (probable cause and bond issues)
 - Division 3 Environmental, Civil, Small Claims, all city ordinance violations
- b. Wrightsville District Court, 13204 Hwy. 365 South, Wrightsville, AR 72183: Any case that might properly be lodged in district courts in Arkansas.
- c. Cammack Village District Court, 600 West Markham Street, Little Rock, AR 72207: Any case that might properly be lodged in district courts in Arkansas.

d. Pulaski County Circuit Court, 401 W Markham St., Little Rock, AR 72201: Any cases assigned by the Circuit Judges of the 6th Judicial Circuit. Currently, these dockets are limited to child support, paternity, domestic battery, and unlawful detainer cases.

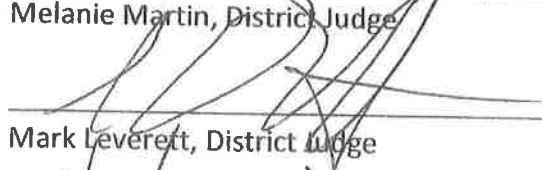
SET FORTH AND APPROVED by the undersigned on the dates so indicated.



Melanie Martin, District Judge

5-22-19


Date



Mark Leverett, District Judge

5-22-19

Date



Vic Fleming, District Judge

5-22-19

Date

6TH CIRCUIT
AMENDMENT
TO
ADMINISTRATIVE PLAN

SPECIALTY COURT PROGRAMS

The following Specialty Court Programs are provided:

Pulaski County Mental Health Court

- a. **Type of Program and Description of Operations:** Pulaski County Mental Health Court – Little Rock is a voluntary, post-adjudication, highly intensive supervision program designed to address the needs of high risk/high needs persons with a mental illness or co-occurring disorder with current misdemeanor criminal cases. Mental Health Court is available only to defendants meeting program eligibility requirements; the defendant must be an adult resident of Pulaski County, having no unresolved felony offenses or active warrants, no prior or pending sex-related offenses, and no prior or pending violent felony offenses. Mental Health Court is a minimum of twelve (12) months. Mental Health Court is held the second and fourth Thursday of each month at 2:30 p.m., at Little Rock District Court-1st Div. Criminal, 600 W. Markham, Little Rock, AR.

Admission to the Mental Health Court is completed in a series of steps:

- Step One: Application – If the defendant meets the above criteria, he/she or defense counsel may make a request for a referral to Mental Health Court, which then must be submitted to the Prosecuting Attorney’s Office. Speedy trial will be tolled during the entire process.
- Step Two: Preliminary Approval - After the request is submitted to the Prosecuting Attorney’s Office, the Deputy Prosecuting Attorney will review the pending charges and criminal history. If the Deputy Prosecuting Attorney determines that the defendant’s request should be considered for further review and approved, the defendant will be scheduled for an assessment.
- Step Three: Probation Assessment – An assessment will be administered by a Probation Officer to determine the defendant’s risk and needs. The Probation Officer will schedule a subsequent assessment with a Mental Health Treatment Provider.

- Step Four: Mental Health Assessment - Another assessment will be administered by a Mental Health Treatment Provider in order to determine clinical appropriateness for the program. Entry into Mental Health Court is usually limited to those who are determined as high risk/high needs and meet program criteria.
 - Step Five: Mental Health Court Team Review - After the completion of the assessments, the probation officer and treatment providers will share the information with the Mental Health Court Team for a final review.
 - Step Six: Plea – If the defendant’s request is approved by the Mental Health Court Team, he/she will be provided a date for acceptance of plea before the Mental Health Court Judge. Prior to the court date, the defendant must make an appointment with defense counsel to complete all necessary forms.
 - Step Seven: Sentencing – The defendant will appear at a hearing before the Mental Health Court Judge to be formally accepted into Mental Health Court.
- b. **Statutory Authority:** Pulaski County Mental Health Court - Little Rock was established pursuant to the Arkansas Code Annotated §16-100-101 and Arkansas Code Annotated §16-100-201, et seq.

Pursuant to Arkansas Code Annotated 16-100-204 (b)(2), the administrative plan for the judicial circuit may designate a district court judge to administer the mental health specialty court program if a judicial district does not have a circuit judge who is available to administer the mental health specialty court program on a consistent basis.

The district court judges designated to administer the mental health specialty court program include:

Judge Melanie Martin,	Little Rock District Court	Division 1
Judge Mark Leverett	Little Rock District Court	Division 3

- c. **Certification of Compliance:** Pulaski County Mental Health Court – Little Rock operates in compliance with all applicable sentencing laws. This includes fines, court costs, fees, probation assessments, and sentencing alternatives.
- d. **Use of Court Resources:** The Pulaski County Mental Health Court – Little Rock team includes one (1) full-time District Court Judge, (1) back-up District Court Judge, (1) full-time Deputy Prosecuting Attorney, (1) back-up Deputy Prosecuting Attorney, (1) full-time Deputy Public Defender, (1) back-up Deputy Public Defender, (1) Coordinator, (1) Probation Officer, (1) Law Enforcement Officer, (1) Court Coordinator, and (3) Representatives from community treatment providers, including Little Rock Community Mental Health, Professional Counseling Associates, Department of Human

Service, and Children and Family Therapy. Team members have attended training programs offered by the State of Arkansas Administrative Office of the Courts. Pulaski County Mental Health Court – Little Rock was implemented and operates according to the MHC Best Practices and Arkansas law.

- e. **Sources of Funding:** Pulaski County Mental Health Court – Little Rock receives support from the City of Little Rock, the Public Defender Commission, the Pulaski County Prosecuting Attorney's Office, and Federal Providers.



Judge Vann Smith
Circuit Judge, Division 14



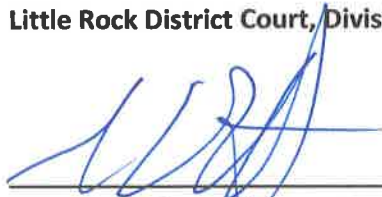
Date



Judge Melanie Martin
Little Rock District Court, Division 1



Date



Judge Mark Leverett
Little Rock District Court, Division 3



Date

**Pulaski County
Mental Health Court
Little Rock Criminal Court
Client Handbook**

Effective 08/01/2019

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Dear Prospective Participant,

You are being considered as a potential participant in the Pulaski County Mental Health Court – Little Rock program. The Mental Health Court team is committed to working with you and others who choose to participate in the program and who are willing to work toward making healthy lifestyle changes and improving mental health.

This handbook is designed to answer your questions and provide overall information about the Pulaski County Mental Health – Little Rock Court program. It will detail what is necessary for you to succeed in the program.

As a participant, it will be crucial to follow the instructions given by the Mental Health Court team. The Mental Health Court team is confident that this program can help you learn how to make successful choices.

Reading and understanding the expectations of the program should help you decide if participating in Mental Health Court is right for you. This Mental Health Court is built on mutual respect. You can expect to be treated with fairness and dignity just as you are expected to be honest and sincere. The process is challenging but if you are willing to make the commitment, we think you will find it will give you the tools you need for a fulfilling and rewarding life.

If you have any specific questions or concerns prior to entry into the Mental Health Court program, please direct those questions to your defense attorney.

Sincerely,

Judge Melanie Martin

Initial

This handbook is provided to you as a resource to understand the purpose and expectations of your participation in Mental Health Court. Please review this material carefully and familiarize yourself with the contents. If you are accepted into the Mental Health Court program, you will be expected to comply with all requirements in this handbook.

**ALL RULES ARE SUBJECT TO CHANGE AT ANY TIME WITH REASONABLE NOTICE AND AS ORDERED BY THE COURT.*

INTRODUCTION

Mental Health Court is a multi-phase intervention program designed to address the large number of people with mental illness involved in the criminal justice system. It is a collaborative effort by several agencies that work together to seek to provide treatment and consistent supervision geared toward supporting you and linking you to community services.

Mental Health Court involves frequent court appearances, random drug testing, group and individual counseling and intensive community supervision. Mental Health Court awards incentives for healthy, appropriate behavior. Participants who do not comply with the rules may be subject to sanctions, including termination from the program.

All members of the Mental Health Court team will assist you in this program to ensure you understand what is expected of you.

MISSION

The mission of the Pulaski County Mental Health Court – Little Rock is to assist and encourage clients in their recovery process through court supervision, and to enhance clients' lives through the treatment, education incentives, employment, and healthy support systems.

ELIGIBILITY REQUIREMENTS

Mental Health Court is an opportunity offered to those who qualify. Mental Health Court is a voluntary program.

To be eligible for Mental Health Court:

- The defendant must be an adult.
- The defendant must be a resident of Pulaski County.
- The defendant must be currently charged with a misdemeanor offense.
 - Offenses including violence will be considered on a case-by-case basis.
 - Reduced felonies will be considered on a case-by-case basis.
- The defendant must not have any unresolved felony offense or active warrant in any other jurisdiction.
- The defendant must not have committed prior sex-related offenses or have a pending sex-related charge.

_____ Initial