



OFFICE OF
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CIRCUIT JUDGE
FOURTEENTH JUDICIAL DISTRICT
DIVISION 3

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June 30, 2020

Chief Justice John Dan Kemp
Supreme Court of Arkansas
Justice Building
625 Marshall Street
Little Rock, AR 72201

- Mailed
original

Re: Amended Administrative Plan

Dear Chief Justice Kemp:

The Circuit Judges in the Fourteenth Judicial District request that the Arkansas Supreme Court consider and approved their proposed Amended Administrative Plan to become effective January 1, 2021. The proposed plan is being sent in a separate attachment.

If you have any questions, please contact me.

Sincerely,

John Putman
Administrative Judge
Fourteenth Judicial District.

10/26/20

Faxed

to Kristen Clark
@ AOC

COPY

TIME: 10:10

FAXED

DATE: 6/30/20

IN THE CIRCUIT COURTS OF THE 14TH JUDICIAL DISTRICT OF ARKANSAS
BAXTER, BOONE, MARION AND NEWTON COUNTIES

PREAMBLE

Pursuant to Administrative Order Number 14 of Arkansas Supreme Court, the undersigned Circuit Judges of the Fourteenth Judicial District request that the Arkansas Supreme Court approve the Amended Administrative Plan set out below, to become effective January 1, 2021. The undersigned Circuit Judges submit that there is good cause for this amendment and its requirements that certain pending cases and reopened case be reassigned to a Division other than the Division in which they were originally filed, because of the following: Under the Administrative Plan now in effect, the Division 4 Judge, Gordon Webb, presides over one-half of the Criminal Division cases. Judge Webb is retiring effect January 1, 2021, at which time Circuit Judge-Elect, Johnnie Copeland, will preside over Division 4. Circuit Judge-Elect Copeland is presently a Deputy Prosecuting Attorney and a law partner in private practice with the Prosecuting Attorney for the Fourteenth Judicial District, which is a Division B Judicial District. Immediately upon taking office Judge Copeland will have to disqualify herself from hundreds of pending criminal cases. See Ark. Code Jud. Conduct R. 2.11(A)(6)(a)-(b).

Under the Administrative Plan now in effect, the Division 3 Judge, John Putman, also presides over one-half of the criminal docket. Transferring the Criminal Division cases pending in Division 4 (with the exception of Drug Court cases) on January 1, 2021, to Division 3, and transferring the Civil Division and Domestic Relations Division cases pending in Division 3 to other Divisions allows the Division 3 Judge to preside over all Criminal Division cases, except Drug

Court cases, and makes the “best use of the available judicial resources” within the District so that cases “will be resolved in an efficient and proper manner”. Ark. Sup.Ct. Admin. Order 14(3).

AMENDED ADMINISTRATIVE PLAN

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the Circuit Judges of the Fourteenth Judicial District adopt the following Amended Administrative Plan which shall be used by the Circuit Clerks of the 14th Judicial District to assign cases, effective January 1, 2021.

CIVIL DIVISION All new Civil Division case filings shall be randomly assigned as follows:

50% to Division 1, Judge Andrew Bailey

50% to Division 4, Judge Johnnie Copeland

Contexte will be programmed to adhere to these percentages. All Civil Division cases pending in Division 3 on January 1, 2021, shall be reassigned, on a random basis, to either Division 1 or Division 4. If a Civil Division case is reopened it will be assigned to the Division that heard the case when it was originally filed, except that if the case was originally filed in Division 3 it will be reassigned, on a random basis, to either Division 1 or Division 4.

CRIMINAL DIVISION All Criminal Division cases pending in Division 4 on January 1, 2021, with the exception of Drug Court cases, shall be reassigned to Division 3. All new Criminal Division case filings and all reopened Criminal Division case filings shall be assigned to Division 3. All Drug Court cases pending in Division 4 as of January 1, 2021, shall be reassigned to Division 1. The cases of Defendants who enter Drug Court on or after January 1, 2021, shall be transferred to Division 1.

DOMESTIC RELATIONS DIVISION All cases initiated or reopened by the Office of Child Support Enforcement shall be assigned to Division 1. All petitions for Orders of Protection filed in Boone County shall be assigned to Division 4. All other Domestic Relations cases shall be randomly assigned as follows:

50% to Division 1, Judge Andrew Bailey

50% to Division 4, Judge Johnnie Copeland

Contexte will be programmed to adhere to these percentages. All Domestic Relations Division cases pending in Division 3 on January 1, 2021, shall be reassigned, on a random basis, to either Division 1 or Division 4. If a Domestic Relations Division case is reopened it will be assigned to the Division that heard the case when it was originally filed, except that if the case was originally filed in Division 3 it will be reassigned, on a random basis, to either Division 1 or Division 4.

When the Office of Child Support Enforcement intervenes in a Domestic Relations Division case which is not in Division 1, the case shall be transferred to Division 1.

JUVENILE DIVISION All new and reopened Juvenile Division cases shall be assigned to Division 2, Judge Deanna Layton.

PROBATE DIVISION All new and reopened Probate Division cases shall be assigned to Division 2, Judge Deanna Layton.

EMERGENCY AND CRITICAL MATTERS Recognizing that litigants deserve prompt hearings and resolutions of emergency petitions and certain critical domestic relations causes, the duly assigned Judge shall provide a temporary hearing within thirty (30) days or the case shall be transferred to another division for resolution. This policy shall not interfere with a court's

determination of whether an emergency exists or whether the matter may be resolved in some other manner than by hearing. A Circuit Judge may act for another Judge in an emergency or other unusual circumstance.

RECUSAL When the Judges in Division 1, 2, or 3 disqualify themselves from a case, the case shall pass to the Judge of the next higher numbered division in the District. If the Judge of Division 4 disqualifies from a case, the case shall pass to the Judge of Division 1. However, if there are other Judges who ordinarily do the type of case involved, the next Judge in the rotation who ordinarily hears such cases shall first be asked to take the case. If, after all Judges of the Circuit have been asked and all have disqualified, then a request for an assignment shall be made according to the rules adopted by the Supreme Court applicable in such matters. If the case is assigned to a Judge by the Supreme Court, the scheduling of that case will be handled by the originally assigned Division.

REFERRALS PURSUANT TO ARKANSAS SUPREME COURT ADMINISTRATIVE ORDERS NUMBER 18 The Fourteenth Judicial Circuit is also the location of two (2) State District Courts. The administrative plans of these courts for 2021 are appended hereto. On January 21, 2021, the Baxter County and Marion County State District Courts will be presided over by State District Court Judge Jason Duffy, and the Boone County and Newton County State District Courts will be presided over by State District Court Judge Gail Inman-Campbell. In order to best utilize these State District Courts, pursuant to Administrative Order No. 18(6)(b)(3)-(5) the following specific matters pending in the Circuit Courts may be referred to the State District Courts:

(1) Consent Jurisdiction. Matters filed in the civil, domestic relations or probate division of circuit court upon the consent of all parties;

- (2) Protective Orders. Ark. Code Ann. §§ 9-15-201-217;
- (3) Forcible Entry and Detainers and Unlawful Detainer. Ark. Code Ann. §§ 18-60-301-312;
- (4) Other Matters. Matters of an emergency or uncontested nature pending in the civil, domestic relations, or probate division 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); and
- (5) Criminal Matters. Any of the following duties (the rules referenced below are the Arkansas Rules of Criminal Procedure) with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:
 - (i) Issue a search warrant pursuant to Rule 13.1.
 - (ii) Issue an arrest warrant pursuant to Rule 7.1 or Ark. Code Ann. § 16-81-104, or issue a summons pursuant to Rule 6.1.
 - (iii) Make a reasonable cause determination pursuant to Rule 4.1(e).
 - (iv) Conduct a first appearance pursuant to Rule 8.1, at which the judge 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.
 - (v) Conduct a preliminary hearing as provided in Ark. Code Ann. § 5-4-310(a). If a person is charged with the commission of an offense lying within the exclusive jurisdiction of the circuit court, a state district court judge may not accept or approve

a plea of guilty or nolo contendere to the offense charged or to a lesser included felony offense, but may accept or approve a plea of guilty or nolo contendere to a misdemeanor.

FURTHER, pursuant to Administrative Order 4 and the Administrative Office of the Courts Provisional Guidelines for digital audio records in State District Courts, the State District Courts in this District have and will utilize the equipment, software and operational abilities necessary to comply with the regulations and expectations of Order 4.

FURTHER, for all matters referred pursuant to Administrative Order 18, Section 6(b), the jurisdiction of the two State District Courts shall be the same as the jurisdiction of the referring Circuit Courts.

SPECIALITY COURTS - DRUG COURT. The Fourteenth Judicial Circuit has two Drug Court programs presided over by one Circuit Judge. One Drug Court is located in Harrison, Arkansas and is designed to serve both Boone and Newton County, Arkansas. The second Drug Court is located in Mountain Home, Arkansas and is designed to serve both Baxter and Marion County, Arkansas.

The Circuit's Drug Courts are post-adjudication courts established in 2004 and 2005 under Act 1266 of 2003 (A.C.A. § 16-98-301-306). In addition to the Judge, the staff for each court consists of a probation officer/coordinator, an Arkansas Community Correction (A.C.C.) Counselor, an A.C.C. Administrative Assistant, and a Deputy Prosecuting Attorney. Consulting staff includes law enforcement personnel, public defenders, and other service agencies as needed. The Circuit's Drug Courts are funded by the A.C.C., court costs, and the Quorum Court of Baxter County. The courts will conform to all applicable sentencing laws, including fines, fees, court costs, and

probation assessments. All Drug Court cases are to be assigned to Division 1, Judge Andrew Bailey.

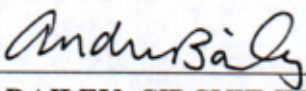
The Drug Court dockets consist of an average of 50 participants who undergo intensive supervision on probation designed to assist the individuals in addressing issues of addiction to controlled substances, prescription drugs and/or alcohol. The program lasts a minimum of twenty-six (26) months with some participants having spent over five (5) years in the program prior to successfully completing all the requirements before graduation. In addition to meeting all the terms and conditions of probation, the participants must comply with the specific obligations of the Court's Drug Court Handbook. The Court meets in session two times each month, in each location, proceeded by a staff conference, where each participant's progress is discussed.

ESTIMATED CASE LOAD. The estimated yearly caseload for each Circuit Judge under this Administrative Plan based on the total 2019 filings in the District, the number of cases filed by the Office of Child Support Enforcement, and the average number of participants in Drug Court, is as follows:


	Division 1	Division 2	Division 3	Division 4
Number of Cases:	1,474.5	1,293	1,667	1,488

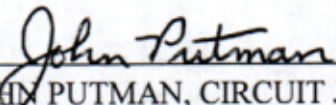
WHEREFORE, this Amended Administrative Plan is unanimously adopted by the undersigned Circuit Judges, and shall be effective January 1, 2021.

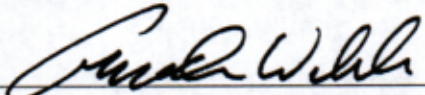
IT IS SO CONSIDERED, ORDERED AND ADJUDGED THIS 25th day of June, 2020.

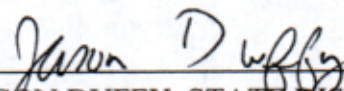


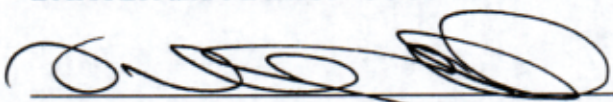
ANDREW BAILEY, CIRCUIT JUDGE, DIVISION 1

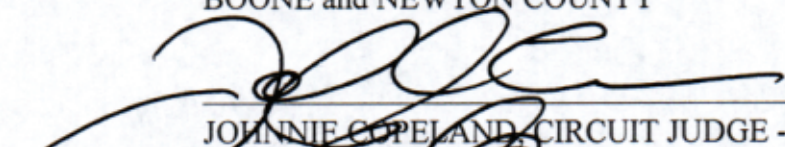

DEANNA LAYTON, CIRCUIT JUDGE, DIVISION 2



JOHN PUTMAN, CIRCUIT JUDGE, DIVISION 3


GORDON WEBB, CIRCUIT JUDGE, DIVISION 4

APPROVED: 
JASON DUFFY, STATE DISTRICT JUDGE
BAXTER and MARION COUNTY


FRED KIRKPATRICK, STATE DISTRICT JUDGE
BOONE and NEWTON COUNTY


JOHNNIE COPELAND, CIRCUIT JUDGE - ELECT, DIVISION 4


GAIL CAMPBELL, STATE DISTRICT JUDGE-ELECT
BOONE and NEWTON COUNTY

APPENDIX

TENTH DISTRICT STATE DISTRICT COURT

ADMINISTRATIVE PLAN

Effective January 1, 2021

Amended July 1, 2020

Pursuant to Administrative Order Number 18, Section 9, the Tenth District State District Court hereby submits the following Administrative Plan:

State District Judge

Jason Duffy is the elected State District Judge of the Tenth District State District Court.

Court Departments

Judge Duffy serves in each of the ten (10) statutory departments including Mountain Home, Cotter, Gassville, Norfolk, Briarcliff, Salesville, Lakeview, Yellville, Flippin, and Bull Shoals.

District Court Jurisdiction

The jurisdiction of the Tenth District State District Court is countywide in Baxter and Marion Counties. The Court hears traffic and misdemeanor criminal cases in all Court Departments. The Court also hears Civil and Small Claims cases in the Baxter County and Marion County Departments. This includes the civil jurisdiction set out in Administrative Order Number 18, Section 6 (a). Circuit Court cases are discussed below.

Court Sessions

Sessions of Court can vary, but generally are scheduled as follows:

Monday:	9 AM:	8.1 Hearings - Marion County Small claims and civil trials – Marion County (5 th Monday)
	10 AM:	Pleas and arraignments – Marion County (1 st & 4 th Monday) Pleas and arraignments – Flippin (3 rd Monday)
	1 PM:	Trials – Marion County & Yellville (1 st & 4 th Monday) Trials – Flippin (3 rd Monday)
Tuesday:	9 AM:	City arraignments – Baxter County
	1 PM:	City trials and prisoner arraignments – Baxter County
Wednesday:	9 AM:	Small claims and civil trials – Baxter County
	1 PM:	Arraignments and trials – Lakeview (1 st Wednesday) Arraignments and trials – Gassville (2 nd Wednesday)

Arraignments and trials – Cotter (3rd Wednesday)
Arraignments and trials - Norfolk/Briarcliff (4th Wednesday)
2:30 PM: Pleas, arraignments and trials – Bull Shoals (1st Wednesday)

Thursday: 9 AM: County arraignments – Baxter County
1 PM: County trials and prisoner arraignments – Baxter County

Note: Salesville cases are scheduled on an as needed basis.

Circuit Court Cases

Pursuant to the Administrative Plan of the 14th Judicial Circuit and Administrative Order Number 18, State District Judge Jason Duffy is authorized to hear the following cases:

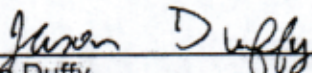
1. Consent jurisdiction. Matters filed in the civil, domestic relations or probate division of Circuit Court upon the consent authorized by Administrative Order 18, Section 6(b)(1) and Section 6(d); and
2. Protective Orders. Ark. Code Ann. 9-15-201-217; and
3. Forcible Entry and Detainers and Unlawful Detainer. Ark. Code Ann. 18-60-301-312; and
4. Other Matters. Matters of an emergency or uncontested nature pending in the civil, domestic relations or probate division of Circuit Court including *ex parte* emergency, involuntary commitments, decedent's estate administration, uncontested divorces and defaults under guidelines and procedures set out in the 14th Judicial Circuit Administrative Plan; and
5. Criminal Matters. Pursuant to Administrative Order 18, Section 6(b)(5)

Compliance with Administrative Order 4

The Tenth District State District Court hereby certifies that it utilizes the digital audio recording equipment and procedures mandated by Administrative Order 4 and the Guidelines issued by the Administrative Office of the Courts.

WHEREFORE, the undersigned agrees to the above Administrative Plan and respectfully petitions the 14th Judicial Circuit Judges and the Supreme Court of Arkansas to approve said Plan.

Respectfully submitted,



Jason Duffy
State District Judge,
Tenth Judicial District Court

Effective January 1, 2020

FOURTH JUDICIAL DISTRICT COURT
ADMINISTRATIVE PLAN

Pursuant to Administrative Order Number 18, Section 9, the Fourth Judicial District Court hereby submits the following Administrative Plan:

STATE DISTRICT JUDGE

Fred Kirkpatrick is the elected State District Judge of the Fourth Judicial District Court.

COURT DEPARTMENTS

The Fourth Judicial District Court has four (4) Departments: Harrison, Alpena, Jasper, and Marshall.

DISTRICT COURT JURISDICTION

The jurisdiction of the Fourth Judicial District Court is countywide in Boone, Newton, and Searcy counties. The Court hears traffic and misdemeanor cases in all Court Departments. The Court also hears Civil and Small Claims cases in the Harrison, Jasper, and Marshall Departments. This includes the Civil jurisdiction set out in Administrative Order Number 18, Section 6 (a). Circuit Court cases are discussed below.

COURT SESSIONS

MONDAY:

Jasper Department arraignments, Small Claims, Civil trials and inmate 8.1 first appearance hearings on the first Monday of each month beginning at 9:00 a.m.

Jasper Department trials and inmate 8.1 first appearance hearings on the third Monday of each month at 9:00 a.m.

Alpena Department arraignments and trials on the second Monday of each month at 2:00 p.m.

Harrison Department: Inmate 8.1 video first appearances for all Departments at 9:00 a.m., and Small Claims trials at 10:00 a.m. on the second, fourth, and fifth (if applicable) Monday of each month.

TUESDAY:

Marshall Department arraignments, Small Claims, Civil trials and inmate 8.1 first appearances on the second Tuesday of each month beginning at 9:00 a.m.

Marshall Department trials and 8.1 inmate first appearances on the fourth Tuesday of each month at 9:00 a.m.

Harrison Department office days on the first, third, and fifth (if applicable) Tuesdays of each month. Inmate 8.1 first appearances are conducted for all Departments.

WEDNESDAY:

Harrison Department County trials on the first, third and fifth Wednesdays of the each month at 9:00 a.m. Inmate 8.1 first appearances conducted for all Departments.

Harrison Department City trials on the second and fourth Wednesdays of each month at 9:00 a.m. Inmate 8.1 first appearances conducted for all Departments.

Harrison Department Civil trials on the second and fourth Wednesdays of each month at 1:00 p.m. Inmate 8.1 first appearances conducted for all Departments.

THURSDAY:

Harrison Department County and City arraignments at 8:30 a.m. each Thursday of the month. Inmate 8.1 first appearances conducted for all Departments.

Harrison Department County and City Warrant arraignments at 1:00 p.m. each Thursday of the month. Inmate 8.1 first appearances conducted for all Departments.

FRIDAY:

Marshall Department trials at 9:00 a.m. on the Friday of each month following the second Tuesday arraignments. Inmate 8.1 first appearances conducted for all Departments.

Harrison Department office days on the remaining Fridays of each month. Inmate 8.1 first appearances conducted for all Departments.

CIRCUIT COURT CASES

Pursuant to the Administrative Plan of the Fourteenth Judicial Circuit and Administrative Order Number 18, State District Court Judge Fred Kirkpatrick is authorized to hear the following cases in Boone and Newton County, Arkansas:

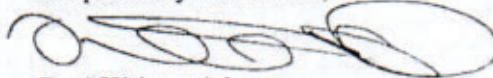
1. Consent Jurisdiction. Matters filed in the Civil, Domestic Relations or Probate Division of the Circuit Court upon consent authorized by Administrative Order Number 18, Section 6(b)(1) and Section 6(d); and
2. Protective Orders. A.C.A. 9-15-201-217; and
3. Forcible Entry and Detainers and Unlawful Detainer, A.C.A. 18-60-301-312; and
4. Other Matters. Matters of an emergency or uncontested nature pending in the Civil, Domestic Relations or Probate Division of the Circuit Court including Ex Parte emergency involuntary commitments, decedent's estates administration, uncontested divorces and defaults under guidelines and procedures set out in the Fourteenth Judicial Circuit Administrative Plan; and
5. Criminal matters pursuant to Administrative Order Number 18, Section 6(b)(5).

COMPLIANCE WITH ADMINISTRATIVE ORDER 4

The Fourth Judicial District Court hereby certifies that it utilizes the digital audio recording equipment and procedures mandated by Administrative Order Number 4 and the Guidelines issued by the Administrative Office of the Courts. Currently the digital audio equipment is used in only the Harrison and Jasper Departments.

WHEREFORE, the undersigned agrees to the above Administrative Plan and respectfully petitions the Fourteenth and Twentieth Judicial Circuit Judges and the Supreme Court of Arkansas to approve said Plan.

Respectfully Submitted,



Fred Kirkpatrick
State District Judge
Fourth Judicial District Court

Date: June 21, 2019