BARBARA ELMORE

CIRCUIT JUDGE - FIRST DIVISION

August 27, 2020

Larry Brady
Court Services Director
625 Marshall St.
Little Rock, AR 72201

RE: Administrative Plan 2021

Dear Mr. Brady:

As we discussed earlier, enclosed is the Amended Administrative Plan for the 23rd District. All judges have agreed that this amended plan will work for our circuit for the year 2021. Thank you for your guidance and patience.

Also, enclosed is a percentage breakdown of the circuit cases. This should assist those that program the filing of cases.

All circuit judges realize that the caseloads may not be equal. However due to the physical plant (access to jury courtrooms), this plan will assist 3rd Division in civil jury trials and not interrupt the criminal docket. Previously, for 2020, we requested such a schedule due to caseload. That same caseload still exist today due to Covid-19. However, we have found a venue in August that will assist us with jury trials. Our courtrooms are just too small.

Also, beginning January 2021, the two District Judges in this circuit will be full time judges, and they have agreed to assist with the circuit judges' caseload. Judge Teresa Smith will do all Protective Service cases, and Judge Clint McGue will do all child support. Both judges have signed the enclosed plan.

We would like for this plan to be effective January 1, 2021. If anything else is required of me, please inform me.

Sincerely,

Barbara Elmore

Barbara Elmore
Circuit Judge

Enclosure: Original and a copy of Administrative Plan

RECEIVED
SUPREME COURT ADMINISTRATIVE OFFICE
2020 AUG 31 P 12: 25
STACY PEETOL, CLERK

DESERIA BLAIR
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CERTIFIED COURT MANAGER
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Twenty-Third Judicial Circuit, First Division
Lonoke County Courthouse
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IN THE CIRCUIT COURTS OF THE
TWENTY-THIRD JUDICIAL CIRCUIT OF ARKANSAS
2021 ADMINISTRATIVE PLAN
PURSUANT TO ADMINISTRATIVE ORDER
NUMBER 14

AMENDED ADMINISTRATIVE PLAN

I.PREAMBLE:

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the Circuit Judges of the Twenty-third Judicial Circuit of Arkansas establish and promulgate the following Administrative Plan for the purpose of judicial administration, the designation of divisions, and the management of caseloads of the divisions. The Twenty-third Judicial Circuit consists of Lonoke County, Arkansas. There are currently three (3) judges serving this circuit. The current judges and the division they hold are as follows:

Judge Barbara Elmore, Division 1
Judge Ashley Parker, Division 2
Judge Sandy Huckabee, Division 3

II. DIVISIONS

A. Each of the three (3) circuit judges in the Twenty-third Judicial Circuit of Arkansas will have, at all times, the authority to hear all matters within the jurisdiction of the circuit court and will have the affirmative duty to do so regardless of the designation of divisions. There is established in the Twenty-third Judicial Circuit the following five subject matter divisions: civil, criminal, domestic relations, juvenile, and probate. The designation of divisions and subdivisions is to promote judicial administration and caseload management and is not for the purpose of subject matter jurisdiction. The creation of divisions shall not limit the powers and duties of the judges as circuit judges. Judges shall not be assigned exclusively to a particular division so as to preclude them from hearing other cases which may come before them.

B. Intent of Administrative Plan: It is the intent of the circuit judges of the Twenty-third Judicial Circuit to hear all types of cases found in the five subject matter divisions. However, in determining the process for assignment and allocation of cases in the Twenty-third Judicial Circuit several factors were taken into consideration which include, but are not limited to, the following:

1. Limitations on court room space, parking facilities and accommodations available to the public;
2. Efficient utilization of jury panels;
3. Equal apportionment of cases based upon past case filing and time frames peculiar to different types of cases.

4. Limited resources in support staff for different forms of litigation including but not limited to, prosecutorial staff, public defenders, attorney ad litems, juvenile intake and probation officers, adult probation officers, O.C.S.E. staff, as well as social workers and specialized staff of the Arkansas Department of Human Services.
5. The cost and expense to the county in the implementation of the plan.
Based upon these considerations, we have determined that the following administrative approach is appropriate and necessary to meet the unique and special needs within our circuit and allow for the appropriate random selection of cases.

C. For purposes of this order:
1. "Civil" means cases relating to all other matters not relating to Probate, Domestic Relations, Juvenile, or Criminal.
2. "Criminal" means cases relating to all matters involving the Arkansas Criminal Code except Juvenile delinquency matters.
3. "Domestic Relations" means cases relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse.
4. "Drug Treatment Court" means a court dedicated exclusively to alternative adjudication and treatment of persons charged with criminal offenses found eligible for participation in the program. The 23rd Judicial District Post-Adjudication Drug Court in Lonoke County has been in operation since 2004. Court sessions are conducted at the Lonoke County Detention Center Courtroom. The program primarily utilizes a post-adjudication process and is open to defendants who have committed eligible offenses and are recommended by the drug court program team. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court cost, and probation fees. The program receives staff and funding from the state (DCC) and grant opportunities are, also, made available. Judge Sandy Huckabee, division three, is conducting the drug treatment court.
5. "Veteran's Treatment Court" means a court dedicated exclusively to alternative adjudication and treatment of veterans charged with criminal offenses found eligible for participation in the program. Judge Sandy Huckabee, division three, is conducting the veteran's treatment court.
6. "Juvenile" means cases relating to Families in Need of Services, dependency neglect, and delinquency, Fins Truancy, juvenile adoptions.
7. "Probate" means cases relating to decedent estates, trust administration, adoptions, guardianship, conservatorship, commitment, and adult protective custody.

III. ADMINISTRATIVE PLAN:
The circuit judges of Twenty-third Judicial Circuit submit this Administrative Plan for circuit court administration, signed by majority of circuit judges, to the Supreme Court of Arkansas for approval. The plan includes the following:

A. Administrative Policy:
The Twenty-third Judicial Circuit has adopted this written policy which describes the process by which case management and administrative procedures, to be used within the judicial circuit, will be determined.

B. Case Assignment and Allocation:
1. Except for good cause to the contrary, the case assignment and allocation of cases, (a) shall be by random selection of unrelated cases, and (b) shall be a substantially equal appointment of cases among the circuit judges of the Twenty-third Judicial Circuit.
2. Cases are assigned in accordance with context results in (a) a random assignment of cases where appropriate and (b) a substantially equal appointment of cases among the judges.

C. Criminal docket:
1. The judge of division One (Judge Barbara Elmore) will be assigned all of the criminal matters (100%) %) based upon equal apportionment of cases, limited resources of facilities and support staff.

2. Petitions to Revoke a Probation or Suspended Sentence are treated as a new case filing and assigned to the judge of division One (Judge Barbara Elmore).

3. All judges will when needed and as time allows assist with processing criminal matters such as but not limited to probable cause affidavits and search warrant.

4. When a petition to transfer a criminal charge is filed under Arkansas Code Annotated section 9-27-318, this judicial district agrees to have the transfer hearing conducted in the juvenile division of the circuit court. If the juvenile division of the circuit court denies the petition, the case shall remain in the original criminal division of the circuit court. If the juvenile's criminal charges are transferred and converted in to delinquency charges under Arkansas Code Annotated section 9-27-318, the case will then remain in the juvenile division.

D. Civil docket:
1. The judge of division Three (Judge Sandy Huckabee) will be assigned all civil matters (100%) %) based upon equal apportionment of cases, limited resources of

facilities and support staff. All reopened cases will be treated as a new case filing and assigned to judge of division Three (Judge Sandy Huckabee)

2. All judges will when needed and as time allows assist with processing civil matters such as but not limited to preliminary injunctions or temporary restraining orders.

E. Juvenile docket:

1. The judge of division One (Judge Barbara Elmore) will be assigned all dependency neglect matters. Division one will be the primary administrator of the juvenile court system. These duties include, but are not limited to: the hiring and supervision of juvenile staff, the administration of juvenile programs, the oversight of budgets of the juvenile support systems and any other duties previously delegated to juvenile judges under the laws of the State of Arkansas.

2. The judge of division Two (Judge Ashley Parker) will be assigned all delinquency and family in need of services matters. All revocations will be treated as a new case filing and assigned to judge of division Two (Judge Ashley Parker).

3. All judges will when needed and as time allows assist with processing juvenile matters such as but not limited to D.H.S. emergency petitions and detention issues.

F. Domestic docket:

1. The judge of division Two (Ashley Parker) will be assigned all divorce, paternity, visitation , annulments, contempt-Domestic Relations, custody, and separate maintenance Divorce cases and paternity cases. Also, division Two will be assigned all cases reopened in Domestic Relations that originated in division One, division Two, and division Three.

2.District Judge Teresa Smith will be assigned all Order of Protection cases. District Judge Clint McGue will be assigned all Child Support cases, which shall include all new and re-opened cases.

3.All Circuit Judges will when needed and as time allows assist with processing domestic matters such as but not limited to petitions for order of protection and mutual orders of restraint.

G. Probate docket:

1. The judge of division Three (Sandy Huckabee) will be assigned all probate matters (100%) based upon equal apportionment of cases, limited resources of facilities and support staff. The assignment of all probate matters to division

Three will include all reopening of probate matters regardless of division origination.

2. All judges will when needed and as time allows assist with processing probate matters such as but not limited to petitions for involuntary commitment and Adult Protective Services emergency petitions.

H. Caseload estimate:

1. It is estimated, based upon a three year statistical average of filings provided by the Administrative Office of the Courts, that this is not an equally apportioned caseload for the forthcoming year. However, due to the limited physical plant (courtroom) constraints this will allow division Three to proceed with more civil jury trials in the next year. All three judges understand that assignments may need to be adjusted as needed with an approved Administrative Plan.

2. It is recognized in the implementation of this plan that the above numbers do not include the hundreds of contempt filings, case review hearings, probation reviews, first appearances and other judicial matters not considered by the Administrative Office of the Courts in statistical reports.

3. It is recognized in the implementation of this plan that certain judicial matters require more time in the court room on the record than other judicial matters.

4. It is recognized in the implementation of this plan that an equally apportioned caseload per division may not be achieved. It is believed that based upon the factors set forth, (only one jury trial courtroom) this plan will meet the unique and special needs within the 23rd Judicial Circuit.

I. Plan implementation:

1. Administrative Judge: Judge Barbara Elmore was previously elected Administrative Judge for the circuit. Judge Elmore will serve as Administrative Judge until such time as the next election is required in accordance with Administrative Order No. 14. The Administrative Judge will exercise the powers granted under Administrative Order No. 14 to effectuate the provisions and goals of this administrative plan.

2. Meetings: All judges will meet at the direction of the Administrative Judge, at least on a quarterly basis, to discuss and insure that the business of the court is apportioned among the circuit judges as equally as possible, that case assignments are made in accordance with the administrative plan and other matters that affect the efficient administration of justice within the 23rd Judicial Circuit.

3. Modification: Modification of the administrative plan's apportionment of cases will be majority vote of the judges and approval by the Arkansas Supreme Court. If a vacancy occurs in one of the three (3) divisions, this could necessitate a need for modification of the plan. In the event of vacancy, seniority will be given consideration in plan modification. The most senior judge will have first option in

plan modification resulting from any vacancy. The use of seniority may not be used to circumvent equal apportionment of caseload, the intent of the administrative plan, or the fair administration of justice.

4. Recusal: If a judge recuses in any matter assigned under the terms of this plan, the recusal will be brought to the attention of the Administrative Judge. The Administrative Judge will be responsible for distribution of cases upon recusal based upon caseload apportionment and other factors as outlined within the plan.

5. Effective Date: The effective date for this plan will be January 1, 2021.

IV. **Approval.**

By the signatures attached hereto the Circuit Judges of the 23rd Judicial Circuit approve the submission and request approval of the case plan.

HONORABLE BARBARA ELMORE CIRCUIT JUDGE	8·27·2020 DATE
HONORABLE SANDY HUCKABEE CIRCUIT JUDGE	8-27-20 DATE
HONORABLE ASHLEY PARKER CIRCUIT JUDGE	8-27-2020 DATE
HONORABLE TERESA SMITH DISTRICT JUDGE	DATE
HONORABLE CLINT McGUE DISTRICT JUDGE	DATE

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HONORABLE SANDY HUCKABEE CIRCUIT JUDGE	DATE
HONORABLE ASHLEY PARKER CIRCUIT JUDGE	DATE
Teresa Smith HONORABLE TERESA SMITH DISTRICT JUDGE	August 26, 2020 DATE
HONORABLE CLINT McGUE DISTRICT JUDGE	DATE

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HONORABLE SANDY HUCKABEE CIRCUIT JUDGE	DATE
HONORABLE ASHLEY PARKER CIRCUIT JUDGE	DATE
HONORABLE TERESA SMITH DISTRICT JUDGE	DATE
HONORABLE CLINT McGUE DISTRICT JUDGE	8/21/20 DATE