

ADMINISTRATIVE PLAN FOR THE ELEVENTH JUDICIAL DISTRICT – WEST

INTRODUCTION

Pursuant to Administrative Order Number 14, the circuit judges of the Eleventh Judicial District-West tender for the Arkansas Supreme Courts approval this administrative plan.

CASE ALLOCATION AND ANTICIPATED WORKLOAD

Recognizing that each Judge has the authority to hear, and must be prepared to hear, any type of case, this plan allocates the cases to our six Circuit Judges based upon the statistics provided by the AOC. Accordingly, with the effective date of this plan, the Circuit Clerks will assign all cases in this Circuit as follows:

	GUYNN	WYATT	BENTON	JAMISON	DENNIS	BROWN
Criminal	54%	12%	0%	0%	34%	0%
Civil	*1%	70%	0%	0%	30%	0%
Domestic Relations	0%	0%	50%	50%	^1%	0%
Probate	0%	0%	50%	50%	0%	0%
Juvenile	0%	0%	0%	0%	0%	100%

* Civil Forfeiture cases only;

^ Inmate cases only

Judge Dennis will specifically be assigned by the Circuit Clerks of both counties all criminal cases filed, all post-conviction inmate filings, all inmate domestic relations cases

and all inmate probate cases. When a Department of Correction criminal case is assigned to Judge Dennis, a case from her Division will be assigned to either Judge Guynn or Judge Wyatt in order to more evenly divide the cases between these three Judges.

Judge Guynn will be assigned all Civil Forfeiture cases filed by the Prosecuting Attorney in both Jefferson and Lincoln Counties.

Judge Guynn presides over drug court. All cases where a Defendant will be participating in the “drug court” program shall be transferred to Judge Guynn. Judge Guynn shall transfer a criminal case to the judge who transfers a Defendant to “drug court”. If the defendant has more than one case, Judge Guynn shall transfer a like number of cases to the judge who transfers the defendant to drug court. The authority for the drug court is attached as Exhibit 1 to this Plan.

RECUSALS AND REQUESTS FOR SPECIAL JUDGE

If a judge recuses in the criminal, civil domestic relations or probate divisions, the Circuit Clerk shall first assign the case on a random basis to one of the judges who normally handles that particular subject matter. If all judges who handle that particular subject matter recuse in the case, the Clerk shall assign the case randomly to another judge whether or not that judge routinely hears the subject matter. If all judges recuse in a particular case, the judge originally assigned the case shall notify the Chief Justice of the conflict, and follow-up with the Chief Justice to be certain a Special Judge is assigned in a timely manner.

For recusals in a delinquency case in the Juvenile Division of the Circuit Court, the Circuit Clerk shall assign that case randomly to the Second or Fifth division of Circuit Court. In any other recusal from the Juvenile Division of Circuit Court (i.e. DHS or FINS case), the Circuit Clerk shall assign the case randomly to a judge who normally handles cases in the domestic relations division of Circuit Court.

The circuit judges of this circuit will only submit a request to the Chief Justice of the Supreme Court for the appointment of a special judge when all judges in this district have recused from hearing a particular matter.

As has long been the custom in the Eleventh Judicial District-West, a criminal defendant with pending charges or who is on probation is charged with a new criminal offense, the new case shall be assigned to the Judge on who's docket the older cases are pending. In order to avoid unnecessary transfers and confusion, the Prosecuting Attorney shall note on the new Criminal Information the judge and division the Defendant shall be assigned.

DEFENDANTS IN JAIL

The District Judges in Jefferson and Lincoln Counties conduct first appearances, bond hearings, plea and arraignments and Rule 8.1 hearings Monday through Friday for those Defendants arrested and incarcerated in the Jefferson and Lincoln County Detention Centers. In the absence of a District Judge, a Circuit Judge will conduct the hearings.

PERIODIC MEETINGS

The judges of this circuit agree that periodic meetings will be beneficial to the administration of justice and will meet at least quarterly, if necessary.

RANDOM ASSIGNMENT OF CASES

Other than in criminal cases where the Defendant has prior or pending cases, the Circuit Clerks shall use Contexte to randomly assign cases.

STATE DISTRICT COURT JUDGES

Beginning January 1, 2013, the Jefferson County District and Pine Bluff District Judges, and beginning January 1, 2017 the Lincoln County District Judge, have become "State District Court Judges." With this distinction, the State District Court Judges will

have authority, pursuant to Administrative Order Number 18, to handle some matters that were previously exclusive to the Circuit Courts.

While recognizing that the State District Court Judges maintain a full-time docket, the State District Court Judges shall have the following additional authority if a circuit judge is not available:

1. To sign ex-parte orders of protection pursuant to Ark. Code Ann. §§ 9-15-201 through 217;
2. To sign ex-parte emergency involuntary commitments pursuant to Ark. Code Ann. §§ 20-47-209 and 210;
3. To sign ex-parte orders in Forcible Entry and Detainers and Unlawful Detainer pursuant to Ark. Code Ann. § 18-60-312;
4. Any other matters allowed pursuant to Administrative Order Number 18 that from time to time may become necessary or expedient to be exercised by said District Courts.

When a State District Court Judge signs any ex-parte order allowed pursuant to this Plan, the State District Court Judge shall coordinate with the Circuit Court where the case originated for the scheduling of the return hearing.

JUVENILE DRUG COURT AND FAMILY TREATMENT DRUG COURT

The Sixth Division (Juvenile Division) operates a Juvenile Division Drug Court (see attached) and a Family Treatment Drug Court. The authority for these specialty courts is attached as Exhibit 2 to this Plan.

JUVENILE TRANSFER HEARINGS

When a petition to transfer a criminal charge is filed under A.C.A. § 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 into delinquency charges under A.C.A. § 9-27-318, the case will then remain in the juvenile division.

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.

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 six divisions of circuit court, the use of seniority will be utilized to allow a sitting 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. Nothing in this judicial plan shall alter or circumvent any provision of the *Hunt Decree*.

REASSIGNMENT OF CASES

If any judge who is a party to this agreement leaves the bench the most senior judge remaining shall have the option to assume the parting judges docket which shall occur when the Administrative plan is revised or if there is no appointment to fill that position. Nothing in this judicial plan shall alter or circumvent any provision of the *Hunt Decree*.

MISCELLANEOUS

The circuit judges of this circuit recognize that any judge may act for another judge in his absence or in an emergency or other unusual circumstances and may sign routine uncontested matters or orders arising therefrom.

The Circuit Judges of the Eleventh Judicial District – West, by unanimous vote, also elected Robert H. Wyatt, Jr., Second Division Circuit Court Judge, as the Administrative Judge. His term will expire January of 2019.

The effective date of this Administrative Plan is July 1, 2017.

SIGNED AND APPROVED, this 29 day of June, 2017.



Alex Guynn
Circuit Court Judge, First Division

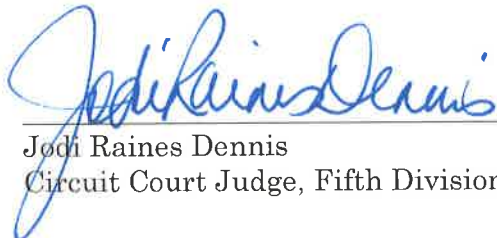


Robert H. Wyatt, Jr., Administrative Judge
Circuit Court Judge, Second Division

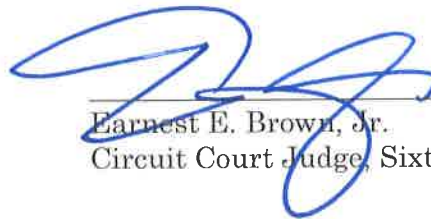
William W. Benton
Circuit Court Judge, Third Division



Leon N. Jamison
Circuit Court Judge, Fourth Division



Jodi Raines Dennis
Circuit Court Judge, Fifth Division



Earnest E. Brown, Jr.
Circuit Court Judge, Sixth Division

Administrative Plan

Adult Drug Court Program

The Eleventh West Judicial District Adult Drug Court Program has been in operation since 2004. Court sessions are conducted in Jefferson County.

The Eleventh West Judicial District has one adult Drug Court Program presided over by one Circuit Judge. All Adult Drug Court cases are to be assigned to Division 1, Judge Alex Guynn.

The Circuit's Drug Courts are post adjudication courts established in 2004 and 2005 under Act 1266 of 2003 (A.C.A 16-99-301 et seq.) In addition to the Judge, the staff for Drug Court consists of a Probation Officer, Coordinator, an Arkansas Community Corrections (ACC) 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 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. The program is wide open as the offenses charged. The program operates in conformity with all criminal statutes and the rules of criminal procedures. No fees are paid to the Court. The Arkansas Department of Community Corrections (ACC) provides counselors and probation officers. All probation fees are paid to ACC. All court costs and fines are paid to the Jefferson County Clerk's office in conformity with statues regarding all criminal fines and court costs.



Administrative Plan

Juvenile Drug Court and Family Treatment Drug Court Programs

The Sixth Division, Eleventh West Judicial District has one Juvenile Drug Court and one Family Treatment Drug Court. The Sixth Division, Eleventh West Judicial District Juvenile Drug Court and Family Treatment Drug Court sessions are conducted in Jefferson County. Both Court session are presided over by Circuit Judge Earnest E. Brown Jr.

The Sixth Division, Eleventh West Judicial District Juvenile Drug Court program utilizes a post-adjudication process and open to defendants who have committed eligible offenses and are recommended by the prosecuting and city attorney, probation officers, public defenders and the judge. (A.C.A.9-27-323) (e)(4). This program and all programs of the Juvenile Court, is conducted in conformance with appropriate state statutes and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. The members of the Sixth Division Drug Court Program team include Judge Earnest E. Brown Jr., Drug Court Probation Officer, Sixth Division supervisors, prosecuting and city attorney, public defender, treatment professionals, public-school representatives and the Division of Youth Services community provider.

Family Treatment Drug Court gives parents an opportunity to deal with their own addiction issues while dealing with their children's dependency problems. (A.C.A.9-27-323) (e)(2). The Department of Human Services links participants with professional treatment and support group resources. The Department of Human Services monitors each participant in the program. Members of the Sixth Division Family Treatment Drug Court Program team include the DHS Caseworker, Parent Counsel, Attorney Ad. Litem, CASA and OCC (Office of Chief Counsel).

