

IN THE CIRCUIT COURT OF THE
FIRST JUDICIAL CIRCUIT OF ARKANSAS

ADMINISTRATIVE ORDER NUMBER ONE
CONCERNING THE DESIGNATION OF DIVISIONS
AND
THE MANAGEMENT OF CASELOADS

FOR 2019

I. PREAMBLE:

Pursuant to *Administrative Order Number 14* of the Arkansas Supreme Court, the Circuit Judges of the First Judicial Circuit of Arkansas establish and promulgate the following Administrative Order for the purpose of judicial administration, the designation of divisions, and the management of caseloads of the division. This Administrative Order shall remain in effect, until vacated by the First Judicial Circuit Judges or the Arkansas Supreme Court.

The first Judicial Circuit consists of six (6) counties. They are, Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff. There are currently five (5) judges serving this circuit. The current judges and the division they hold are as follows:

Judge E. Dion Wilson	Division 1
Judge Richard L. Proctor	Division 2
Judge Christopher W. Morledge	Division 3
Judge Chalk S. Mitchell	Division 4
Judge Ann B. Hudson	Division 5

II. DIVISIONS

A. Each of the five (5) circuit judges in the First Judicial Circuit of Arkansas shall have, at all times, the authority to hear all matters within the jurisdiction of the circuit court and shall have the affirmative duty to do so regardless of the designation of divisions.

There is established in the First Judicial Circuit five subject matter division in the six counties of the district. They are as follows: 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 division shall in no way limit the powers and duties of the judges as circuit judges to hear all matters within the jurisdiction of the circuit courts of the First Judicial circuit. 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 Number One: It is the intent of the circuit judges of the First Judicial Circuit to hear all types of cases found in the five subject matter division. However, given the geographical constraints, the lack of certain physical facilities (i.e., courtrooms with and without jury boxes) found in the various courthouse of the six counties comprising the First Judicial Circuit, and the lack of certain necessary support staff by four of the five circuit judges, the circuit judges have determined that the following administrative approach is appropriate and necessary to ensure timely and professional service to the judicial system in the First Judicial Circuit.

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. “Probate” means cases relating to decedent estates, trust administration, adoptions, guardianship, conservatorship, commitment, change of name, and adult protective custody.

5. “Juvenile” means cases relating to Families in Need of Services, dependency neglect, paternity, and delinquency.

6. “Drug Court” means a court dedicated exclusively to alternative adjudication and treatment of persons charged with illegal drug related criminal offenses and criminal offenses directly related to illegal drug activity and/or dependency.

6.1 The St. Francis County Adult Drug Court Program has been in operation since November 1, 2003. Court sessions are conducted in St. Francis county. The Program primarily utilizes as pre-adjudication process and is open to defendants who have committed eligible offenses and are recommended by the prosecuting attorney. Individuals who are residents of other counties in the First Judicial Circuit who are eligible may also participate in the program under certain conditions. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. The program receives staff and funding from the Department of Community Corrections and collection of court fees. Judge Morledge shall conduct this court.

The members of the drug court program team include the prosecuting attorney, public defender, DCC staff, local court staff, and the judge. They have been consulted, for purposes of scheduling, to insure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

6.2 The St. Francis County Juvenile Drug Court Program began operation upon its initial training which took place in September of 2009. The five counties that are eligible to participate are Cross, St. Francis, Phillips, Monroe and Lee. The program primarily utilizes a pre-adjudication process and is open to defendants who have committed eligible offenses and are recommended by the prosecuting attorney, juvenile officers, public defenders, and defense counsels. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. The program receives funding for a drug court coordinator and a therapist from the State of Arkansas. Judge Hudson shall conduct this court.

The members of the drug court program team include the prosecuting attorney, public defender, juvenile intake officer, two juvenile probation officers, treatment representative (therapist) representative from school, representative from community service provider, drug court coordinator, and the judge. They have been consulted, for purpose of scheduling, to insure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

7. "Fines Collection Court" means a court dedicated exclusively to address the collection of fines, fees, and costs assessed in criminal cases. It is not a speciality court. See Arkansas Supreme Court *Administrative Order No. 14* (2012 Ark. 468).

III. ADMINISTRATIVE PLAN:

The circuit judges of First Judicial Circuit will submit this *Administrative Order (Number One)* as the administrative plan for circuit court administration, signed by all the circuit judges, to the Supreme Court of Arkansas for approval. The plan includes the following:

A. Administrative Policy:

The First 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. The circuit judges must unanimously agree, and evidence their agreement in writing, as to the manner in which decisions will be reached under the plan.

The circuit judges will meet on the first Tuesday of each quarter for purposes of administering this *Administrative Order*. The time of the meeting shall be 6:00 p.m. Actions taken by the circuit judges must be approved by an affirmative vote of at least seventy-five percent (75%) of the number of judges serving the circuit at that time.

B. Case Assignment and Allocation:

1. The Arkansas Supreme Court's *Administrative Order No. 14* requires the random assignment of unrelated cases. "Random selection means that cases assigned to a particular subject-matter division shall be randomly distributed among the judges assigned to hear those types of cases." Except for good cause to the contrary, the case assignment and allocation of cases,

(a) shall be random selection of unrelated cases;

(b) shall be a substantially equal apportionment of cases among the circuit judges of the First Judicial Circuit, and

(c) shall assure that all matters connected with a pending or supplemental proceeding will be heard by the judge to whom the matter was originally assigned.

2. If a case is dismissed for whatever reason and is later re-filed, naming the same or substantially the same parties and/or issues, the re-filed case shall be assigned to the judge to whom the former case was last assigned. If the re-filed case is assigned to any other judge, upon notice or discovery of such, the newly assigned judge shall transfer the re-filed case to the judge to whom the former case was last assigned.

3. Prior to the effective date (January 1, 2014) of this Administrative Plan, the Administrative Office of the Courts' Contexte program will be operational in all six counties of the First Judicial Circuit. The Contexte program shall assure,

(a) a random assignment of cases where appropriate and

(b) a substantially equal apportionment of cases among the judges.

C. Creation of divisions:

The following divisions are created for the purpose of judicial administration and case management. Judges are not exclusively assigned to any particular division. The circuit judges shall administer other cases which may come before them as time permits and as caseloads dictate.

1. Primary assignment:

(a) The judge of division One (Judge E. Dion Wilson) will hear criminal, civil, domestic relations, paternity and probate cases. Additionally he will hear all types of cases as time and caseloads permit, as shown by Attachment "A." Division One will conduct Plea and Arraignment days in Monroe and Lee counties on a regular basis.

(b) The judge of division Two (Judge Richard L. Proctor) will hear criminal, civil, domestic relations, paternity and probate cases. Additionally, he will hear all types of cases as time and caseloads permit, as shown by Attachment "A." Division Two will conduct plea and arraignment in Cross and Woodruff counties on a regular basis and conduct all misdemeanor appeal days in Cross County.

(c) The judge of division Three (Christopher W. Morledge) will hear criminal, civil, domestic relations, paternity and probate cases. Additionally, he will hear all types of cases as time and caseloads permit, as shown by Attachment "A." Division Three will primarily conduct the St. Francis County Fine Collection Court, St. Francis County Adult Drug court Program, and

Misdemeanor Appeals court in St. Francis County. Division Three will conduct Plea and Arraignment days in St. Francis County.

(d) The judge of Division Four (Judge Chalk S. Mitchell) will hear criminal, civil, domestic relations, paternity and probate cases. Additionally, he will hear all type of cases as time and caseloads permit, as shown by Attachment "A." Division Four will primarily conduct Lee County Fine Collection Court. Division Four will hear Misdemeanor Appeals in Phillips County on a quarterly basis. Division Four will conduct Plea and Arraignment days in Phillips County on a regular basis.

(e) The judge of Division Five (Judge Ann B. Hudson) will hear primarily juvenile matters, including FINS, DHS and DELINQUENCY cases. Additionally, she will hear all types of cases as time and caseloads permit as shown by Attachment "A." Division Five will primarily conduct a St. Francis County Juvenile Drug Court and the Cross County Juvenile Drug Court. Also, she shall hear all Adult Protective Service cases.

(f) All five circuit judges will hear *Petitions for Orders of Protection* including the final hearing regarding such petitions. The St. Francis County State District court Judge will review *ex-parte* petitions for purposes of issuing or denying *Temporary Orders of Protection*. He may also schedule hearings in such cases when the request for *ex parte* relief is denied.

2. Secondary assignments:

(a) Criminal matters: Divisions One, Two, Three, Four and Five judges will hear criminal matters which are uncontested in nature or slightly contested on a regular basis and will hear contested matters as time and caseloads permit.

(b) Civil matters: Division Two, Three, Four and Five judges will hear civil matters as time and caseloads permit.

(c) Domestic Relations and Probate matters: Divisions One, Two and Five judges will hear domestic relations and probate matters which are uncontested in nature or slightly contested on a regular basis and will hear contested matters as time and caseloads permit.

(d) Juvenile matters: Divisions One, Two, Three, and Four judges will hear juvenile matters which are uncontested in nature or slightly contested on a regular basis and will hear contested matters as time and caseloads permit.

(e) Adult Protective Services: The judge of Division One will hear Adult Protective Services cases which are uncontested in nature or slightly contested on a regular basis and will hear contested matters as time and caseloads permit.

3. Assignment of caseloads:

(a) Criminal cases: Criminal cases in all six are initially assigned to Division One, Two, Three and Four by random selection. See Attachment "A" for the percentage of caseload distribution among the five judges.

(a)(1) In addition to the number of cases assigned to each division, calendars have swelled by scheduling orders requires the judges to hear criminal cases in all six counties. Current practice also results in scheduling which requires different judges to preside over criminal trials during back-to-back weeks in the same county. Major issues include: 1) increased workload, travel time and docket organization for judges; 2) increased number of scheduling conflicts for public defenders, retained defense attorneys, prosecutors, juvenile courts and district courts; 3) increased scheduling delays caused by continuances; 4) increased workload, coupled with decreased time for case preparation, professional development in administrative duties for part-time public defenders, part-time deputy prosecutors, and law enforcement resources; and, 5) reduced time allowed for other types of cases that most judges must find time to regularly schedule criminal cases in all six counties. As such, it has been determined that criminal cases should be heard by two Circuit Judges in each county. Each judge should be assigned to hear criminal cases in his/her home county. Factors to consider in selecting the second and third county assignments include travel, caseload, diversity and any other factors deemed appropriate. Beginning in 2020, the following criminal caseload assignments will be as follows, to wit:

Cross County - Judge Proctor and Judge Morledge
Lee County - Judge Mitchell and Judge Morledge
Monroe County - Judge Mitchell and Judge Proctor
Phillips County - Judge Mitchell and Judge Wilson
St. Francis County - Judge Wilson and Judge Morledge
Woodruff County - Judge Proctor and Judge Wilson

Assignments will rotate every two (2) years or at least periodically. Factors considered in rotating assignments will include travel, caseload, diversity and any other factors deemed appropriate. In order to effectively equalize caseload division criminal cases assigned to division three in the counties in which Division Three will not appear beginning in 2020 will be transferred to Division One. Likewise, cases from Division One will be transferred to Division Three. Similar transfers will be made between Divisions Two and Four, which should equalize, for the most part, the number of cases handled in criminal court for each division.

(b) Civil cases: Civil cases in all six counties are initially assigned to Divisions One, Two, Three, Four and Five on a random basis, but based on a mathematical certainty. However, complex civil cases will normally be assigned to Divisions One, Two, Three and Four. The majority of jury trials will be conducted by Division One. See Attachment "A" for the percentage of caseload distribution among the five judges. The various types of civil cases (i.e. debt, tort, unlawful detainer, etc.) are administratively assigned by random selection via Contexte.

(c) Domestic relations and probate cases: Domestic relations and probated

case are initially assigned to Divisions Two, Three and Four on a random basis. Division One will also hear domestic relations and probate cases, although they will be secondary to the criminal and civil cases heard by Division One. In light of the fact that court in some of the smaller caseload counties in the First Judicial Circuit is not held as often as in the larger caseload counties, all judges will hear domestic relations and probate matters in the smaller counties as the cases dictate.

(d) Juvenile cases: Juvenile cases in all six counties are initially assigned to Division Five. All Juvenile cases are initially assigned to Division Five because Division Five has an extensive support staff to judicially administer these types of matters while the other four division do not have such extensive support staffs. See Attachment "A: for the proposed percentage of caseload distribution among the five judges.

(e) Drug Court cases: St. Francis County currently is the only county in the First Judicial Circuit which operates an adult drug court treatment program. Division Three is the Drug court Judge for the St. Francis County Adult Drug Court Treatment Program. St. Francis County, Cross County, Phillips County, Monroe County and Lee County operate juvenile drug court treatment programs. Division Five is the Juvenile Drug Court Judge for St. Francis County, Cross County, Phillips County, Monroe County and Lee county.

D. Caseload Estimate:

It is estimated, based on the most recent statistical information provided by the Administrative Office of the Courts, that the projected caseload-for the forthcoming year will be 2,501 cases for Division One; 2,352 case for Division Two; 2,268 cases for Division Three; 3,004 cases for Division Four; and, 3,741 cases for Division Five. If, at any time, it is determined by the circuit judges that a workload imbalance exists which affects the judicial circuit or a circuit judge adversely, this Administrative Plan shall be amended subject to the provisions of Section Three (3) of **Administrative Order Number 14** of the Arkansas Supreme court.

E. Recusals and Requests for assignment:

1. Recusals. When an assigned judge recuses in a case, the recusing judge shall do the following:

(a) When the case is a criminal case, the recusing judge shall draft an Order directing the Circuit Clerk to redraw assignment of that case from all remaining divisions except division five. The recusing judge shall send a copy of the transfer order to the judge whom the case was transferred and to the attorneys of record and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

(b) When the case is a civil case and a jury trial has been requested,

the recusing judge shall draft, execute, and file an *Order of Recusal and Transfer*, transferring the civil case to the other judge who routinely tries civil jury cases. The judge shall send a copy of the transfer order to the judge to whom the case was transferred and to the attorneys of record and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

(c) When the case is a civil case and a jury trial has NOT been requested, the recusing judge shall draft, execute, and file an *Order of Recusal and Directive to Clerk to Randomly Assign Case to Another Judge*. The clerk shall then randomly select and assign the case to the newly selected judge. The clerk shall notify the newly selected judge, the attorneys of record, and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

(d) When the case is a domestic case, the recusing judge shall draft an Order directing the Circuit Clerk to redraw assignment of that case from all remaining divisions except division five. The recusing judge shall send a copy of the transfer order to the judge to whom the case was transferred and to the attorneys of record and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

(e) When the case is a probate case, the assigned judge shall draft, execute, and file an *Order of Recusal and Transfer*, transferring the probate case to the other judge who routinely hears probate cases. The judge shall send a copy of the transfer order to the Judge to whom the case was transferred and to the attorneys of record and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

(f) When the case is a juvenile case, the juvenile judge shall draft, execute, and file an *Order of Recusal and Transfer*, transferring the juvenile case to one of the other judges who routinely tries domestic relations cases. The judge shall send a copy of the transfer order to the judge to whom the case was transferred and to the attorneys of record and any *pro se* litigant(s). If the judge to whom the case was transferred also recuses, that judge shall file his or her *Order of Recusal* and send a copy of such order to the Administrative Judge, the clerk, and to the

attorneys of record and any *pro se* litigant(s). The Administrative Judge will take the necessary steps to assign another First Judicial Circuit Judge to the case or he or she will request that the Supreme Court assign a special judge to hear the case.

2. Requests for assignment by the Chief Justice of the Arkansas Supreme Court;

(a) When all of the circuit judges in the First Judicial Circuit have recused, the Administrative Judge shall send a letter to the Chief Justice to request the assignment of a special judge.

(b) The letter of request shall include all of the information set forth in Section III of the Supreme Court's *Administrative Order No. 16* (Procedures Regarding the Assignment of Judges).

(c) Pursuant to *Administrative Order No. 16*, under no circumstances shall a judge, a lawyer, or a party seek to influence the decision of the Chief Justice in making an assignment.

F. General Child Visitation:

The First Judicial Circuit hereby adopts the General Child Visitation Schedule as part of its Administrative Plan for domestic relations cases in the First Judicial District. The specific guidelines and procedures for child visitation for the First Judicial Circuit of Arkansas are set forth in the General Child Visitation Schedule to this Administrative Plan as Attachment E.

Additionally, the judges of the First Judicial District hereby adopt First Judicial Circuit 2017 Visitation calendar, which specifically sets out non-custodial parent visitation and is attached hereto as Attachment F.

III. SUPREME COURT:

The first Administrative Plan of the First Judicial Circuit (2004 Administrative Plan) was submitted to the Arkansas Supreme Court for its approval prior to July 1, 2003. Plans are required to be submitted to the Supreme Court for its approval prior to July 1, 2003. Plans are required to be submitted to the Supreme court by July 1st of each year following the year in which the general election of circuit judges is held. The plan may only be amended if approved by the Supreme Court. Upon approval by the Supreme Court, the plan shall be filed with the Clerk of the Supreme Court. In the event an approved plan is not being followed, a judge should first bring the matter to the attention of the circuit judges at the quarterly meeting for resolution. In the event the complaining judge deems the resolution of the circuit judges, as a voting body, does not resolve the issue, the complaining judge may bring the matter to the attention of the Chief Justice of the Arkansas Supreme Court by setting out in writing the nature of the problem. Upon receipt of a complaint, the Supreme Court may elect to cause an investigation to be undertaken by appropriate personnel and will take other action as may be necessary to insure the efficient

operation of the courts and the expeditious dispatch of litigation in the First Judicial Circuit.

IV. STATE DISTRICT COURT FOR ST. FRANCIS COUNTY:

The majority of the circuit judges of the First Judicial Circuit of Arkansas concur that the Administrative Judge may refer by *Standing Order*, to the St. Francis State District Court matters pending in the civil, domestic relations, probate, and criminal division of circuit court within the territorial jurisdiction of State District Court as provided in Section 6 of *Administrative Order No. 18*. The State District Court Judge shall hear and address such matters referred to him or her either in vacation or whenever said court is in session. The State District Court Judge shall establish regular days to hear said referred matters, with notice to all attorneys within his or her territorial jurisdiction of the time and place of these regular days. More specific guidelines and procedures are set forth in the *Standing Order* to this Administrative Plan as Attachment "B." The granting of any additional jurisdiction requires the Administrative Judge's review and approval prior to referral to the State District Court Judge for action. Presently, the only State District Court in the First Judicial Circuit is the St. Francis County State District Court.

The St. Francis County State District Court's Administrative Plan is attached hereto as Attachment "C." It is approved by the Circuit Court Administrative Judge.

V. ADMINISTRATIVE JUDGE:

1. Pursuant to Arkansas Supreme Court *Administrative Order Number 14*, the judges of the First Judicial Circuit elected Judge Christopher W. Morledge as Administrative Judge in January, 2019 . Judge Christopher W. Morledge will serve a term of two years.

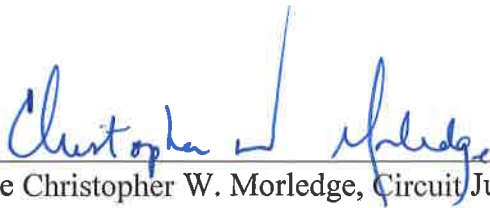
VI. APPROVAL OF THE CIRCUIT JUDGES:

1. By their signatures affixed hereafter, the five Circuit Judges of the First Judicial Circuit hereby approve this Administrative Plan and submit it to the Arkansas Supreme Court for its approval.

IT IS SO ORDERED THIS ____ DAY OF _____, 2019.

Judge E. Dion Wilson Circuit Judge
Division One

Judge Richard L. Proctor, Circuit Judge
Division Two

Handwritten signature of Christopher W. Morledge in blue ink.

Judge Christopher W. Morledge, Circuit Judge
Division Three

Handwritten signature of Chalk S. Mitchell in blue ink.

Judge Chalk S. Mitchell, Circuit Judge
Division Four

Judge Ann B. Hudson, Circuit Judge
Division Five

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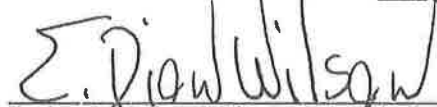
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VI. APPROVAL OF THE CIRCUIT JUDGES:

1. By their signatures affixed hereafter, the five Circuit Judges of the First Judicial Circuit hereby approve this Administrative Plan and submit it to the Arkansas Supreme Court for its approval.

IT IS SO ORDERED THIS 29th DAY OF June, 2019.



Judge E. Dion Wilson Circuit Judge Division One Judge Richard L. Proctor, Circuit Judge Division Two

Judge Christopher W. Morledge, Circuit Judge Division Three Judge Chalk S. Mitchell, Circuit Judge Division Four

Judge Ann B. Hudson, Circuit Judge Division Five

its approval.

IT IS SO ORDERED THIS ____ DAY OF _____, 2019.

Judge E. Dion Wilson Circuit Judge
Division One

Judge Richard L. Proctor, Circuit Judge
Division Two

Judge Christopher W. Morledge, Circuit Judge
Division Three

Judge Chalk S. Mitchell, Circuit Judge
Division Four



Judge Ann B. Hudson, Circuit Judge
Division Five

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ADMIN. CIRCUIT JUDGE

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operation of the courts and the expeditious dispatch of litigation in the First Judicial Circuit.

IV. STATE DISTRICT COURT FOR ST. FRANCIS COUNTY:

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V. ADMINISTRATIVE JUDGE:

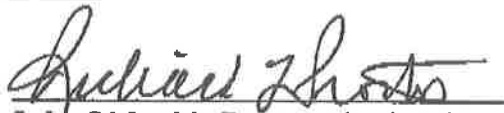
1. Pursuant to Arkansas Supreme Court *Administrative Order Number 14*, the judges of the First Judicial Circuit elected Judge Christopher W. Morledge as Administrative Judge in January, 2019. Judge Christopher W. Morledge will serve a term of two years.

VI. APPROVAL OF THE CIRCUIT JUDGES:

1. By their signatures affixed hereafter, the five Circuit Judges of the First Judicial Circuit hereby approve this Administrative Plan and submit it to the Arkansas Supreme Court for its approval.

IT IS SO ORDERED THIS 26 DAY OF _____, 2019.

Judge E. Dion Wilson Circuit Judge
Division One



Judge Richard L. Proctor, Circuit Judge
Division Two

ATTACHMENT "A"
FIRST JUDICIAL CIRCUIT

Case Assignment Percentage Table

(Based on the total number of cases filed in 2019, taken from the most recent statistical data (2019)
from the Administrative Office of the Courts)

CIVIL

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		186	157	148	142	10
Lee		63	43	40	52	2
Monroe		45	40	42	41	1
Phillips		200	216	148	129	1
St. Francis		139	115	78	109	0
Woodruff		53	62	40	41	0
Total		686	633	496	514	14
	2,343	29%	27%	21%	22%	1%

CRIMINAL

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		350	323	155	163	0
Lee		88	96	27	25	0
Monroe		72	47	33	37	5
Phillips		116	105	46	63	0
St. Francis		361	282	106	171	11
Woodruff		86	79	43	18	0
Total		1,073	932	410	477	21
	2,913	37%	32%	14%	16%	1%

DOMESTIC RELATIONS

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		94	111	172	215	346
Lee		8	23	39	59	437
Monroe		23	22	24	32	137
Phillips		220	159	184	226	891
St. Francis		80	99	115	126	334
Woodruff		19	13	38	44	48
Total		444	427	572	702	2,193
	4,339	10%	10%	13%	16%	51%

JUVENILE

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross					3	204
Lee						23
Monroe						51
Phillips						668
St. Francis						237
Woodruff						180
Total				1	3	1,363
	1,368	0%	0%	0	1%	99%

PROBATE

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		24	23	99	98	13
Lee		21	22	57	54	13
Monroe		21	17	18	22	1
Phillips		87	129	261	710	52
St. Francis		110	129	256	342	42
Woodruff		35	40	98	82	29
Total		298	360	789	1,308	150
	2,905	10%	12%	28%	45%	5%

ATTACHMENT "B" TO ADMINISTRATIVE ORDER NUMBER ONE OF
FIRST JUDICIAL CIRCUIT

IN THE CIRCUIT COURTS OF THE FIRST JUDICIAL CIRCUIT OF ARKANSAS

IN RE: ST. FRANCIS COUNTY STATE DISTRICT COURT JURISDICTION

STANDING ORDER

(Effective July 1, 2009)

(Fifth Amendment, effective March 1, 2013)

(Sixth Amendment, effective November, 2013)

(Seventh Amendment, effective June, 2015)

(Ninth Amendment, effective June, 2019)

WHEREAS, the Amended Administrative Plan adopted by the Circuit Judges of the First Judicial Circuit of Arkansas was submitted to the Arkansas Supreme Court to establish appropriate guidelines to take advantage of Section 6(b) of the Arkansas Supreme Court's *Administrative Order Number 18*; and

WHEREAS, it is anticipated that the Arkansas Supreme Court will approve the Amended Plan of the First Judicial Circuit by the effective date of this *Standing Order* which will be January 1, 2020; and

WHEREAS, the majority of the Circuit Judges of the First Judicial Circuit concur that the Administrative Judge of the First Judicial Circuit may refer by Standing Order a portion of the matters set forth in Section 6(b) of Administrative Order Number 18 within the territorial jurisdiction of St. Francis county to the duly elected District Court Judge of St. Francis County as provided in Section 6(c) of *Administrative Order Number 18*;

THE COURT HEREBY FINDS, ADJUDICATES, ORDER, AND DECREES as follows:

1. County-wide jurisdiction: The St. Francis County State District court Judge shall hear and/or enter orders in the following listed matters pending in the civil, domestic relations, probate, and criminal divisions of the St. Francis County Circuit Court:

A. Civil Matters:

- A.1. Uncontested, by virtue of a default or consent, civil debt collection cases;
- A.2. Uncontested, by virtue of a default or consent, real estate foreclosure cases;
- A.3. Uncontested, by virtue of a default to the garnishment process, by consent of the parties, or by motion of the moving party, garnishment requests;
- A.4. Uncontested, by virtue of a default or consent, requests for *Order of Forcible Entry*;
- A.5. Pretrial hearings for *Forcible Entry and Unlawful Detainer* actions pursuant to Arkansas Code Annotated §18-60-307 (c-e) on a defendant's objection to a writ of possession.

A.6. Motions or requests for extension of time in which to perfect service and motion or requests for additional time in which to file an answer or responsive pleadings, responses to motions, or responses to discovery;

A.7. Uncontested or agreed *Orders of Dismissal* which may, or may not, have been contested initially;

B. Domestic Relations:

B.1. Pre-divorce agreed temporary orders;

B.2. Post –divorce agreed modifications to decrees or orders;

B.3. *Ex-Parte Petitions for Temporary Orders of Protection* to determine if probable cause exists to enter a *Temporary Order of Protection*; such petitions shall be considered and addressed by the State District Court Judge within two (2) hours of presentation to the District Court Judge;

B.4. Child Support Enforcement Unit's Petitions to Show Cause to determine if probable cause exists to enter Orders to Show Cause;

B.5. The State District Court Judge shall not schedule hearing dates for the circuit judges in any of the above matters except with regards to B.3 and B.4.

C. Probate:

C.1. Probable cause hearings to determine if a respondent should be held and transported to circuit court for an involuntary commitment hearing;

C.2. Agreed post-guardianship orders, excluding requests to withdraw funds from guardianship accounts;

C.3. The State District Court Judge shall not schedule hearing dates for the circuit judges in any of the above matters except with regards to C.1.

D. Criminal:

D.1. Issue search warrants pursuant to Rule 13.1 of the Arkansas Rules of Criminal Procedure;

D.2. Issue arrest warrants pursuant to Rule 7.1 of the ARCrP or Arkansas Code Annotated §16-18-104, or issue a summons pursuant to Rule 6.1 of the ARCrP;

D.3. Make reasonable cause determinations pursuant to Rule 4.1E of the ARCrP;

D.4. Conduct first appearance hearings pursuant to Rule 8.1 of the ARCrP, at which time the District court 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 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;

D.5. Conduct a preliminary hearing as provided in Ark. Code Ann. §5-4-310(a);

D.6. If a person is charged with the commission of an offense lying within the exclusive jurisdiction of the circuit court, the Pilot District Court Judge shall not accept or approve a plea of guilty or *nolo contendere* to the offense charged or to a lesser included offense.

2. Circuit-wide jurisdiction: Pursuant to paragraph 6(b) of Administrative Order No. 18, the St. Francis County State District court Judge shall hear and/or enter orders in the following matters pending in the following subject matter divisions of the First Judicial Circuit:

A. Civil Matters:

- A.1. Uncontested, by virtue of a default or consent, civil debt collection cases;
 - A.2. Uncontested, by virtue of a default or consent, real estate foreclosure cases;
 - A.3. Uncontested, by virtue of a default to the garnishment process, by consent of the parties, or by motion of the moving party, garnishment requests;
 - A.4. Motions or requests for extension of time in which to perfect service and motion or requests for additional time in which to file an answer or responsive pleadings, responses to motions, or responses to discovery;
 - A.5. Uncontested or agreed Orders of Dismissal which may, or may not, have been contested initially;
3. The St. Francis County State District Court Judge shall establish regular days to hear said referred matters and shall provide notice to all attorneys within the First Judicial Circuit of the time and place of these regular days.
 4. A copy of the *Standing Order* shall be filed of record in an appropriate Miscellaneous Record Book by the Circuit Clerks and Probate Clerks of the six counties of the First Judicial Circuit evidencing the authority being vested in the St. Francis County District Court Judge by the majority of the First Judicial Circuit Judges pursuant to section 6(c) of the *Administrative Order Number 18* of the Arkansas Supreme Court as reflected herein;
 5. The book and page number of the recordation of this *Standing Order* shall be provided to the St. Francis County State District court Judge so that reference to the same will be placed upon each of the *Orders* issued in matters referred to him or her, said orders shall be placed in each Circuit Court file.
 6. The jurisdiction of the St. Francis County State District court Judge to conduct trials pursuant to Section 9(d), *Consent Process*, is hereby withheld by the Circuit Judges. Jurisdiction over matters referred herein is limited to the duly elected St. Francis County State District Court Judge and does not extend to any District Court Judge who may sit, on exchange for the duly elected St. Francis County State District Court Judge.
 7. Pursuant to Section 6 of *Administrative Order Number 18*, the Arkansas Supreme Court has conferred upon the St. Francis County State District Court original jurisdiction within its territorial jurisdiction over the following civil matters:

7.1 Exclusive of the circuit court in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars (\$100), excluding interest, costs, and attorney's fees;

7.2 Concurrent with the circuit court in all matters of contract where the amount in controversy does not exceed the sum of twenty-five thousand dollars (\$25,000.00), excluding interest, costs, and attorney's fees;

7.3 Concurrent with the circuit court in actions for the recovery of personal property where the amount in controversy does not exceed the sum of twenty-five thousand dollars (\$25,000.00);

7.4 Concurrent with the circuit court in matters of damage to personal property where the amount in controversy does not exceed the sum of twenty-five thousand dollars (\$25,000.00), excluding interest and costs.

8. Orders signed by the St. Francis County State District Court Judge shall have the same force, effect, and application as though signed and executed by any of the Circuit Court Judges of the First Judicial Circuit. Pursuant to Section 6.c of Administrative Order No. 18, a final judgment ordered by the St. Francis county State District Court Judge is deemed a final judgment of the circuit court and will be entered by the circuit court clerk or the probate clerk under Rule 58 of the Arkansas Rules of Civil Procedure. Any appeal shall be taken to the Arkansas Supreme Court or the Arkansas Court of Appeals in the same manner as an appeal from any other judgment of the circuit court. An order that does not constitute a final appealable order may be modified or vacated by the circuit judge to whom the case has been assigned as permitted by Rule 60 of the Arkansas Rules of Civil Procedure.
9. With regards to the disposition of uncontested matters, including agreed orders, it is anticipated that the normal time frame in which the State District Court Judge should dispose of such matters, by either the signing of the judgment/order or the return of the documentation to the submitted attorney, should be no longer than seven days. With regards to petitions for ex-parte orders of protection, such petitions shall be considered and addressed by the State District Court Judge within two (2) hours of presentation to the District Court Judge. With regards to all other matters referred to the State District Court Judge all such matters should be addressed and disposed of in a timely fashion.

IT IS SO ORDERED THIS 10TH DAY OF JULY, 2019.


CHRISTOPHER W. MORLEDGE, CIRCUIT JUDGE
Administrative Judge

Accepted and approved:


MIKE SMITH
St. Francis County State District Court Judge

Date: 7-10-14

St. Francis County District Court
State of Arkansas

ATTACHMENT “D”

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ATTACHMENT E

GENERAL CHILD VISITATION SCHEDULE

for the

First Judicial Circuit of Arkansas

(Approved by Judge Dion Wilson, Judge Richard Proctor,
Judge Christopher W. Morledge, Judge Chalk Mitchell, and Judge Ann Hudson)
(Revised July 20, 2017)

The following general visitation will be awarded to the non-custodial parent, absent modification by the Court in any particular case:

1. Weekends: The non-custodial parent's weekend visitation shall be the first and third weekends of each month. The custodial parent will have the child(ren) on the second and fourth weekends of each month. The parties will alternate the fifth weekend of each month. If the first day of the month falls on a Saturday, that weekend is considered as the first weekend of the month. If the first day of the month falls on a Sunday, that weekend is not considered as the first weekend of the month. The last day of the month must fall on a Saturday or a Sunday in order for that weekend to be considered as a fifth weekend. Visitation will commence at 5:00 p.m. on Fridays and continue until 5:00 p.m. on Sundays, unless otherwise ordered by the court or agreed to, in writing, by the parties. A copy of the First Judicial Circuit 2017 Visitation Calendar is attached hereto and incorporated herein, which designates visitation of the non-custodial parent by weekend.

2. Weekdays: The non-custodial parent shall have visitation with the child(ren) on the first Thursday and the second Tuesday immediately following the non-custodial parent's weekend visitation period. This visitation period will be from 3:30 p.m. until 8:00 p.m. The non-custodial parent shall ensure (1) that the child(ren) complete any school homework assignments, (2) that the child(ren) eat dinner, and (3) that the child(ren) receive baths. The distance between the homes of the custodial parent and the non-custodial parent will affect whether this visitation may be exercised. This paragraph applies only in cases in which the parents live within fifteen (15) miles of each other.

3. Alternate Major Holidays (In odd-numbered years, Easter, July 4th, and Thanksgiving; in even-numbered years, Martin Luther King Day, Memorial Day, and Labor Day): The non-custodial parent's visitation will be as follows:

3.1. Easter visitation will commence at 5:00 p.m. on the Friday before Easter and continue until Easter Sunday at 8:00 p.m.

3.2. July 4th visitation will commence at 5:00 p.m. on July 3rd and continue until 8:00 p.m. on July 4th. If, however, July 4th occurs on a Saturday or Sunday, visitation will commence at 5:00 p.m. on the Friday before July 4th and continue until Sunday at 8:00 p.m.

3.3. Thanksgiving visitation will commence at 5:00 p.m. on the Wednesday before Thanksgiving Day and continue until Sunday at 8:00 p.m.

3.4. Martin Luther King Day will commence at 5:00 p.m. on the Friday before Martin Luther King Day and continue until Martin Luther King Day at 8:00 p.m.

3.5. Memorial Day will commence at 5:00 p.m. on the Friday before Memorial Day and continue until Memorial Day at 8:00 p.m.

3.6. Labor Day will commence at 5:00 p.m. on the Friday before Labor Day and continue until Labor Day at 8:00 p.m.

3.7. If the child(ren)'s school grants extra days for any holiday, the non-custodial parent's visitation will coincide with the school break. Holiday visitation shall take precedence over the regular weekend visitation schedule found in paragraph 1 above, so that a party may lose a regular weekend visitation to another parties' holiday weekend. No make-up time will be given. Weekend visitations will not be adjusted if a weekend visitation is missed/lost because of other visitations set forth in this schedule.

4. Spring Break: Spring break visitation for the non-custodial parent will coincide with the spring school break exercised by the local school where the child(ren) live even if they are not of school age. Spring break shall be considered as a holiday. The non-custodial parent will have spring break visitation on even-numbered years. The spring break period shall begin at 5:00 p.m. on the day prior to the beginning of the school break, unless otherwise ordered by the court or agreed to, in writing, by all the parties. If (1) it is non-custodial parent's time to enjoy spring break with the child(ren), and (2) if it begins on a Monday, and (3) if the non-custodial parent's weekend visitation is the weekend before spring break begins, then the non-custodial parent's weekend visitation and spring break will run consecutively and without a break. If (1) it is the custodial parent's time to enjoy spring break with the child(ren), and (2) if the non-custodial parent's weekend visitation is not the weekend before spring break begins but rather the weekend after spring break ends, then the custodial parent's spring break will terminate at 5:00 p.m. on Friday.

5. Christmas: If none of the children are in school, the non-custodial parent's visitation will be as follows: one week prior to Christmas, ending at 9:00 p.m. on Christmas Eve; or commencing at 9:00 p.m. Christmas Eve and continuing for one week thereafter. If at least one of the children is in school, the non-custodial parent's visitation for all children will commence the day after the school goes into recess for the Christmas holiday, and will continue until 9:00 p.m. on Christmas Eve; or commence at 9:00 p.m. Christmas Eve and continue until 1:00 p.m. on the day prior to the resumption of classes. In even-numbered years, the non-custodial parent will exercise the pre-Christmas visitation period and in odd-numbered years, the non-custodial parent will exercise the post-Christmas visitation period.

6. Father's Day and Mother's Day: The father of the child(ren) will always have visitation the weekend of Father's day regardless of which parent would normally have the child(ren) for that weekend. The mother of the child(ren) will always have visitation the weekend of Mother's day regardless of which parent would normally have the child(ren) for that weekend. Father's Day and Mother's Day visitation will commence at 5:00 p.m. on the Friday before and will continue until Sunday at 6:00 p.m.

7. Birthdays: The non-custodial parent will have the child in odd-numbered years. The parent who does not have the child in his/her care on the child's birthday shall be allowed to personally present his/her present to the child on the day of the child's birthday.

8. Summer visitation: For the purpose of summer visitation, the First Judicial District recognizes that "summer" is defined as the day after school recesses for the break until one week before school begins in August. The custodial and non-custodial parent shall alternate week long periods during the summer for visitation with the minor child(ren). Said weeks shall begin on the first Sunday following the summer recess and alternate during the remaining summer weeks. The non-custodial parent shall be afforded one two-week period of visitation during the summer for an extended trip or vacation with the minor child(ren). The non-custodial parent shall give the custodian at least thirty (30) days notice of the dates of the two week extended visit. Every effort should be made by the parties to coordinate their vacation schedules in order that the child(ren) will have opportunity to spend vacation with both parents. If the child(ren) are to be removed from the state for vacation, the other parent must be notified as to the destination and a telephone number provided where the child(ren) may be reached.

9. Other visitation periods: The visitation noted above will be in addition to all other reasonable visitation. The parties are encouraged to set aside their differences and to work together to ensure a healthy relationship between the child(ren) and both parents. In the event the non-custodial parent shall be unable to exercise a scheduled visitation, or will be late, he or she shall, as quickly as is practical, contact the custodial parent and advise as to the cancellation or length of delay.

10. Independent obligations to allow visitation and to pay child support: Visitation may not be independently terminated by the custodial parent for any reason, including non-payment of child support; likewise, child support shall not be withheld by the non-custodial parent because of the custodial parent's refusal to allow visitation. Immediate, written notification to the opposing party must be provided regarding any suspension or termination of visitation due to an emergency due to an emergency.

11. Contact information: Both parties will provide current addresses, telephone numbers, and email addresses at which the child(ren) may be reasonably accessed by mail, telephone, or email at reasonable times.

12. Telephonic communications: Both parties shall ensure that the child(ren) have the opportunity to communicate via telephone and email with the other parent at all reasonable times. No parent should listen in on the conversation between parent and child(ren).

13. Modification of schedule: This visitation schedule can be modified by the parties only by written agreement, and signed by the parties prior to the agreed change. Unless the writing clearly states that a change is permanent, any change in the schedule will be considered as temporary, one-time, deviation from the schedule. No verbal agreement, of any kind or nature, will be recognized by the court under any circumstances.

14. Ordinary daily duties of non-custodial parent during visitation: The non-custodial parent shall make every effort to ensure that the child(ren)'s daily routine is interrupted as little as possible. For example, if the child is involved in baseball, the child should be taken to his/her ball games and to his/her practice. For example, if the child is involved in the school play, the child should be taken to school play practices. The non-custodial parent shall ensure that homework assignments are completed, meals are prepared, teeth are brushed, clean clothes are worn, and baths are given.

15. Transportation for Visitation: Unless otherwise ordered by the court or agreed to by the parties, in writing, transportation of the parties child(ren) shall be a shared obligation if the parties live no more than 40 miles apart. If the parties live no more than 40 miles apart, the non-custodial parent shall be responsible for picking up the child(ren) to begin visitation and the custodial parent shall be responsible for picking up the child(ren) to end visitation. Such will apply for all visitation, including, but not limited to, weekend, holidays, and summer visitation. This shall include pickup and drop-off at a designated location. If the parties live more than 40 miles apart at the time of the initial visitation award or a subsequent visitation modification, the court will establish the transportation responsibility unless the parties agree otherwise, in writing. **16.**

Negative remarks: Neither parent shall make negative or derogatory statements or remarks about the other in the presence of the child(ren). The parents should not allow the child(ren) to remain in the presence of third parties who make negative or derogatory statements or remarks about the other parent.

17 Violation of court order: Violation of the visitation as awarded may result in the imposition of a fine, jail sentence, the termination of custody and/or visitation, or such other action deemed appropriate by the court. Child(ren) shall not be permitted nor required to make decision regarding visitation and the custodial parent is charged with the duty and responsibility to insure compliance with the visitation schedule.

18 Nothing follows as of the date shown above.