

**IN THE CIRCUIT COURTS OF THE  
NINTH WEST JUDICIAL DISTRICT OF ARKANSAS**

**ADMINISTRATIVE PLAN**

In accordance with Administrative Order Number 14, our Administrative Plan for handling cases in Ninth West Judicial District is submitted as follows:

**PREAMBLE**

The Ninth West Judicial District consists of four counties: Howard, Little River, Pike and Sevier. There are two judges serving this district, Judge Tom Cooper, Division One, and Judge Charles A. Yeargan, Division Two

**ASSIGNMENTS**

Each judge will hear all types of cases.

Until the Administrative Office of the Courts can provide a computerized method for random assignment of cases the Clerks shall use colored marbles or markers to insure random selection.

The Clerk is directed not to draw a colored marker to determine which division the case will be assigned until such time as the file mark of the clerk had been affixed and shall not draw more than one marker at a time. The Clerk making the draw from the container shall not look at the markers or marbles to be drawn but is to make the draw in the blind. The Clerk is prohibited from making the division assignment known until the colored marker designating the division has been drawn and the number has been affixed to the pleading initiating the case.

The Clerk is to maintain a separate criminal, civil, domestic relations, probate and juvenile docket for each of the respective divisions.

Each Clerk shall affix a stamp to the pleadings designating which judge has been assigned to the case so the attorneys will know who to contact for a setting. In addition, the Clerks shall place the number one (1) or two (2) at the end of every case number to designate Division One or Two. The only exception to this procedure is where there are multiple criminal defendants with different file numbers, wherein the judge that takes the first case will handle all subsequent files of co-defendants regardless of the assignments. Likewise, similar type case or cases that have some relationship with each other will be heard by the same judge. Any case that has been non-suited and refiled shall be assigned to the same judge in the previous case.

**PROCEDURE FOR HEARING CASES**

Judge Cooper will set his criminal cases for jury trials in even numbered months and Judge

Yeargan will set his criminal cases in odd numbered months in order to allow the prosecuting attorney to be present at all criminal jury trials. Civil jury trials are set by the presiding judge on whatever days are available that will not conflict with any cases set by the other judge.

As a normal rule each judge will travel the circuit to all four counties during one week. And then the other judge will travel the same route the next week. This allows a judge to be in each one of the four counties at least twice a month with the exception where there are scheduling problems due to holidays and continuing education classes.

Each time a jury trial is set the trial court assistants shall contact each other to notify the other judge of any setting so there will not be any conflicts concerning the use of the courtroom on the same day.

On regular court dates either judge may hear uncontested matters regardless of the designation.

In juvenile matters, the juvenile intake officer mails notices for juveniles to appear on a regular court date. If they should plead true, the judge for the first appearance will dispose of the matter. If they plead not true then, the judge will set this matter according to the random designation.

#### SPECIALTY DOCKETS OR PROGRAMS

The only specialty docket for the Ninth District is Drug Court which has been in operation since August of 2003. Judge Yeargan presides over the drug court for the Ninth West Judicial District held in Howard County. Even though this Court is held in Howard County the Drug Court accepts participants from all other counties in the district. This Court accepts pre-adjudication and post-adjudication participants and is open to defendants who have committed eligible offenses and recommended by prosecutor. The staff and funding come primarily from the Department of Community Corrections and the collection of court fees.

#### CALENDAR

A calendar is printed each year around September setting forth the regular court dates for the upcoming year where the judges will appear and hear all types of cases, including drug court, divorces, probate, juvenile, criminal arraignments, pre-trials, criminal jury trials and non-jury matters. The judges alternate each year letting one judge pick his court dates first and then the other judge will select his dates. Judge Yeargan selects on odd numbered years and Judge Cooper selects on even.

#### CONFLICTS/RECUSALS

If either judge has a conflict in a case and recuses, then that case is transferred to the other division and will be heard by that judge unless he also has a conflict. The last judge to recuse will be responsible for contacting the Supreme Court to request an assignment of a judge. The trial court assistant for the recusing judge will assist the assigned judge in contacting the attorneys and setting the time and place for any and all hearings that may be necessary.

Judge Yeargan is related by marriage to attorneys George Steel, Jr., and Nate Steel of Nashville, and George Matteson of Texarkana,

In order to avoid any conflicts, any cases filed by these attorneys shall be automatically assigned to Division one. Any cases previously filed in Division two in which these attorneys subsequently enter their appearance will be transferred to Division one.

#### ENHANCED JURY LIST

After discussions with and approval from all the Clerks in the district, we decline the use of the enhanced jury list pursuant to Arkansas Code Ann. 16-32-303(b).

#### CONTROL OF DOCKETS

The clerks shall also notify the TCAs of any dispositive motions filed on cases such as motion to dismiss, motion for summary judgments and criminal post-conviction motions to assure these pleadings are dealt with in a timely fashion.

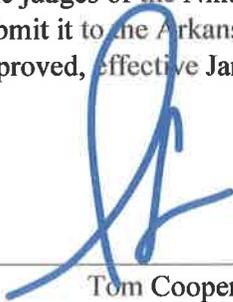
The Trial Court Assistants travel to each county at least once every six months to check all active files, except for Probate, which will be checked once annually in order to resolve cases that need to be addressed pursuant to Rule 41. A letter is then sent to the parties advising them of what action needs to be taken. The parties are warned that if no action is taken within a reasonable period of time then the case will be dismissed.

#### ADMINISTRATIVE JUDGE

The Judges agree that Judge Yeargan will serve as Administrative Judge until the end of his term on 2020.

#### APPROVAL

The judges of the Ninth West Judicial District hereby approve this amended administrative plan and submit it to the Arkansas Supreme Court for its approval this 22<sup>nd</sup> day of January, 2019 and if approved, effective January 1, 2020.



Tom Cooper  
Circuit Judge  
Division One



Charles A. Yeargan  
Circuit Judge  
Division Two