

**IN THE SUPREME COURT OF ARKANSAS**

**ADMINISTRATIVE PLAN  
FOR THE 16<sup>th</sup> JUDICIAL CIRCUIT**

**The 16<sup>th</sup> Judicial Circuit is a five (5) county circuit located in rural North Central Arkansas consisting of Independence, Cleburne, IZARD, FULTON and Stone Counties. There are currently four (4) Circuit Judges who serve the 16<sup>th</sup> Judicial District.**

**The Judge of Division One is Holly Meyer who resides in Heber Springs and has her office in Heber Springs, Cleburne County, Arkansas. The Judge of Division Two is Don McSpadden who resides and has his office in Batesville, Independence County, Arkansas. The Judge of Division Three is Lee Harrod who resides in and has his office in Heber Springs, Cleburne County, Arkansas. The Judge of Division Four is Tim Weaver who resides in Mount Pleasant and has his office in Melbourne, IZARD County, Arkansas.**

**The Administrative Plan for 2020-21 is basically the same plan approved by the Supreme Court in 2017, and similar to the plans approved in this Circuit dating back to 2003. We have found this plan to be effective in meeting the needs of our District.**

**The judges of the Circuit have always cooperated in handling heavy dockets and when conflicts occur. Our plan is reflective of this and we will continue to work together to streamline the handling of the District's workload.**

**All judges willingly handle those cases from another division that are uncontested or need emergency action. The workload division for the four judges is as follows under our Administrative Plan for 2020-21.**

**Division One has jurisdiction of all Civil cases and all Probate cases except guardianship and adoption cases in the circuit, and jurisdiction of final hearings on orders of protection in IZARD, Stone, and FULTON Counties.**

**Division Two has jurisdiction of all Domestic Relations cases except orders of protection and cases initiated by the Office of Child Support and Enforcement. In addition, Division Two has jurisdiction of all guardianships and adoptions from Probate division in the circuit, and jurisdiction of the four Drug Courts in the**

**circuit which includes the Independence, Cleburne, Stone and IZARD/FULTON County Drug Courts, and jurisdiction of the Veterans Court in the Circuit.**

**Division Three has jurisdiction of all Juvenile cases and all Child Support Enforcement cases in the circuit, and jurisdiction of the Juvenile Drug Court in the Circuit.**

**Division Four has jurisdiction of all Criminal cases in the circuit and jurisdiction of Ex Parte Orders of Protection.**

**Petitions for an Order of Protection pursuant to the Domestic Abuse Act shall be handled as follows:**

**Division Four shall review all Petitions for an Order of Protection and make a determination as to whether an Ex Parte Temporary Order of Protection should be granted and the Petition shall be set for a hearing. If the Ex Parte Temporary Order request is denied the matter shall be set for a hearing on the merits.**

**The Cleburne County District Court Judge shall preside over all hearings on Petitions for an Order of Protection in Cleburne County.**

**The Independence County District Judge shall preside over all hearings on Petitions for an Order of Protection in Independence County.**

**Division One Circuit Court Judge shall preside over all hearings on Petitions for an Order of Protection in Fulton, IZARD, and Stone Counties.**

**The judges shall handle orders of protection and mental health/drug commitments without regard to division assignment as they do for any other emergency presentation if the Judge handling those cases is unavailable.**

**This case distribution shall not preclude the judge of any division from hearing cases from any subject matter division of circuit court.**

**The Judges of the Sixteenth Judicial District shall meet at the end of each calendar year to determine whether any adjustment in caseload assignments from one division of the Circuit Court to another are necessary to maintain proper balance of caseloads and to otherwise conform with the directives of the Supreme Court.**

**Judge Lee Harrod of Division Three was unanimously selected to serve as Administrative Judge for this Circuit in January, 2019.**

## RECUSALS AND TRANSFERS

Consistent with the requirements of Administrative Order Nos. 1 and 16 the Circuit Judges for the 16<sup>th</sup> Judicial Circuit provide the following process for handling of recusals, the transfer of a case, and requests for the assignment of a special judge by the Supreme Court.

A. In the event the judge in Division Two recuses in a case, the case shall first be transferred to Division One. In the event that the judge in Division One recuses, the case shall be transferred to Division Four. If the judge in Division Four recuses, the case shall be transferred to Division Three.

B. In the event the judge in Division Four recuses in a case, the case shall first be transferred to Division One. In the event the judge in Division One recuses, the case shall be transferred to Division Three. If the judge in Division Three recuses, the case shall be transferred to Division Two.

C. In the event the judge in Division One recuses in a case, the case shall first be transferred to Division Two. If the judge in Division Two recuses, the case shall be transferred to Division Four. If the judge in Division Four recuses, the case shall be transferred to Division Three.

D. Recusals from Division Three shall be transferred as follows: Juvenile Delinquency and FINS cases shall be assigned to the judge in Division Four. If the judge in Division Four recuses, the case shall be transferred to Division Two. If the judge in Division Two recuses, the case shall be transferred to the Judge in Division One. Dependency neglect, child support enforcement cases, and all other Circuit Court cases shall be assigned to Division Two. If the judge in Division Two recuses, the case shall be transferred to Division Four. If the judge in Division Four recuses, the case shall be transferred to Division One.

E. In the event that all four circuit judges recuse from a case, the case shall be transferred to the state district court judge of the 14<sup>th</sup> Judicial District Court of Independence County. If the state district court judge of the 14<sup>th</sup> Judicial District Court of Independence County recuses, the case shall be transferred to the state district court judge of the 13<sup>th</sup> Judicial District Court of Cleburne County.

**F. In the event all four circuit judges and both state district court judges recuse in a case, the Administrative Judge shall notify the Chief Justice of the Arkansas Supreme Court for appointment of a special judge to hear the case. The Administrative Judge shall be responsible for writing a letter of request, sufficient in detail, to inform the Chief Justice of the following:**

- 1. that all the judges in the circuit have recused;**
- 2. the type of case involved;**
- 3. the facts of law in dispute;**
- 4. whether a temporary hearing is scheduled or necessary;**
- 5. the estimated time to hear the matter;**
- 6. the names of the attorneys representing the parties; or the names and addresses of self represented parties, and**
- 7. other pertinent information to assist the Chief Justice in making an assignment.**

**The circuit judge or state district court judge most familiar with the case shall assist the Administrative Judge in drafting said letter of request.**

**G. A judge recusing from a case and/or transferring a case shall cause an Order of Recusal and/or an order for said transfer to be entered of record. Said judge or judges shall take no further action in the case other than to notify the attorneys or self-represented parties of the recusal and to accommodate any newly assigned judge in carrying out the assignment.**

#### **IMPLEMENTATION OF ADMINISTRATIVE ORDER NO. 18**

**Pursuant to the provisions of Section 6 of Amendment 80 to the Arkansas Constitution and the Administrative Order Numbers 14 and 18 of the Arkansas Supreme Court, and subject to the approval of the Supreme Court, in order to implement this Administrative Plan and provide for an efficient operation of the state district courts located within this Circuit, and to ensure an equal division of work load in this Circuit and to better utilize the judicial and support resources available in this Circuit for the prompt and efficient resolution of cases, all of the provisions of the said Administrative Order Number 18 in regard to referring**

specific cases to the state district court may be utilized by the judges of the Circuit as provided therein.

The following matters pending in circuit court may be referred to the state district court judges: (1) consent jurisdiction; (2) protective orders; (3) forcible entry and detainers; (4) evictions and unlawful detainer; (5) criminal matters; (6) other matters of emergency or uncontested nature pending in the Civil Domestic Relations, or Probate divisions 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). This does not include personal injury actions, actions for damages to real property, or uncontested adoptions which shall be dealt with in circuit court; (7) Ex parte emergency hearings and probable cause hearings in Dependency Neglect cases from Juvenile Division if the Circuit Judge handling that division is unavailable; and (8) emergency hearings in family in need of services cases, detention hearings, and first appearances in Delinquency cases from Juvenile Division if the Circuit Judge handling that division is unavailable. Such referred matters as are herein authorized may be presented to the appropriate state district judge without any order referring or transferring the specific case or cases to the said state district judge;

As such referenced jurisdiction is now authorized under Section 6 (b) of Administrative Order No. 18, the undersigned judges acknowledge and agree that the state district court judges of Independence and Cleburne counties may be referred these said matters from any county of the 16<sup>th</sup> Judicial District, subject at all times to the superintending control of the Administrative Judge of the said Circuit.

In addition to the above, pursuant to the terms of Section (6)(b)(2) of Administrative Order Number 18, petitions for orders of protection may be heard by said state district judge without any additional specific case by case transfer or referral from the circuit court to such state district judge.

Under Section (6)(b)(5) of Administrative Order Number 18, the state district court judge shall have the authority to perform all of the functions set out in

said Section (6)(b)(5)(A) without a specific order transferring or referring individual matters to him on a case by case basis.

The Administrative Judge, as to any case, or the circuit judge (to whom a specific matter would under the Administrative Plan normally be assigned) shall have the authority to direct that such matter may not be heard by the state district court judge or direct that it may not be further heard by the state district court judge.

Pursuant to the authority of Act 1137 of the 2011 General Assembly and Section (6)(b)(5)(B) of Administrative Order Number 18, the state district court judges for the 14<sup>th</sup> Judicial District of Independence and the 13<sup>th</sup> Judicial District of Cleburne counties are hereby authorized under this Administrative Plan to preside over a drug court program, probation revocation proceeding or parole revocation proceeding in each of the five counties of the 16<sup>th</sup> Judicial District. This authority shall be coordinated by the Circuit Judge who has been assigned the jurisdiction of the Drug Court and the Criminal Division.

Under Section (6)(c) of Administrative Order No. 18, the Administrative Judge of this Circuit may refer matters pending in the circuit court to a state district court judge, with the judge's consent, which shall not be unreasonably withheld.

Pursuant to Administrative Order No. 14, the judges of the 16<sup>th</sup> Judicial Circuit have attempted to distribute among themselves "a substantially equal apportionment of cases" based upon the projected 2020 caseload of each of the judges based upon previous case filings in the year 2018 and previous years using reports provided by the State of Arkansas and Circuit Clerks.

After reviewing the aforesaid reports, the judges of the 16<sup>th</sup> Judicial District have discussed this caseload management plan, giving due consideration to the relative time factors involved in various types of cases in each subject matter division of the courts and the judges are in agreement that this plan divides the caseloads approximately equally and randomly among the judges and will most efficiently serve the needs of the citizens of the Sixteenth Judicial District.

If the distribution of cases under this plan shall cause a material change in the number of cases assigned to a particular circuit judge hereunder then the Administrative Judge may transfer sufficient cases where needed to offset the inequity.

### CRIMINAL MAGISTRATES

The administrative judge for the 16<sup>th</sup> Judicial Circuit, with the concurrence of a majority of the Circuit Court Judges, and with the consent of the District Judges, has appointed the judges of the Cleburne County District Court, the Fulton County District Court, the Independence County District Court, the IZARD County District Court, and the Stone County District Court as Criminal Magistrates to hear the following matters authorized by the Arkansas Rules of Criminal Procedure 1.8 (b)(iii)-(v):

1. Issue a search warrant pursuant to Rule 13.1.
2. Issue an arrest warrant pursuant to Rule 7.1 or Arkansas Code § 16-81-104, or issue a summons pursuant to Rule 6.1.
3. Make a reasonable cause determination pursuant to Rule 4.1(e).
4. Conduct a first appearance pursuant to Rule 8.1, at which the criminal magistrate 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.
5. Conduct a preliminary hearing as provided in Ark. Code Ann. § 16-93-307(a).

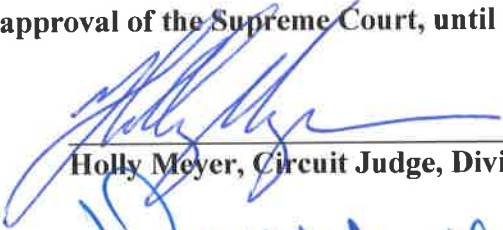
### DISTRICT COURT ADMINISTRATIVE PLANS


Attached hereto are the District Court Administrative Plans for Cleburne County, Fulton County, Independence County, IZARD County, Stone County and Sharp County. Sharp County contains Cherokee Village which is located partially in Fulton County, one of the five counties of the 16th Judicial Circuit.

**CONCLUSION**


The undersigned circuit judges believe that the procedure outlined herein when implemented with provisions of Administrative Order Number 18 and the applicable law will maximize efficiencies of case administration and disposition, avoid wasted effort and utilize the judicial resources available here effectively.

WHEREFORE, the undersigned being all of the judges of the circuit courts of the 16th Judicial Circuit each hereby agree to the above Plan and further respectfully petition the Supreme Court of Arkansas to approve the same for use in the 16<sup>th</sup> Judicial Circuit upon approval of the Supreme Court, until such time as it is superseded.

  
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Holly Meyer, Circuit Judge, Division One

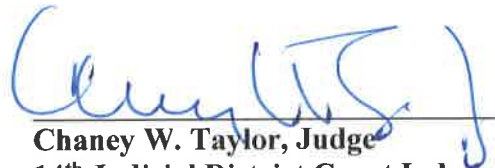
  
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Don McSpadden, Circuit Judge, Division Two

  
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Lee Harrod, Circuit Judge, Division Three

  
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Tim Weaver, Circuit Judge, Division Four



The above Administrative Plan has been submitted to the undersigned judges of the 14<sup>th</sup> Judicial District Court of Independence County which is the state district court under Act 663 of 2007 and the 13<sup>th</sup> Judicial District Court of Cleburne County which is a state district court under Act 345 of 2009 and state that they have reviewed it and, as it relates to their responsibilities and duties, they hereby indicate their approval of the same and willingness to implement it if approved by the Supreme Court.

  
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Chaney W. Taylor, Judge  
14<sup>th</sup> Judicial District Court Independence County

  
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Lance Wright, Judge  
13<sup>th</sup> Judicial District Court Cleburne County

**DRUG COURT PROGRAMS  
IN THE 16TH JUDICIAL CIRCUIT**

The 16th Judicial Circuit has established four (4) Drug Court Programs. The programs primarily utilize a post-adjudication process and are open to defendants who have committed eligible offenses and who are recommended by the prosecutor.

The programs are conducted in conformity with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The programs are supported by staff and funded by the Department of Community Correction, by the collection of drug court fees under Act 490 of 2009 and by AOC grants.

The members of the drug court program teams include a circuit judge, a deputy prosecuting attorney, a public defender, a treatment professional, a probation officer, an intake officer and the sheriff or deputy sheriff. The location and dates for staffing and for status review hearings for each of the Drug Courts in the 16th Judicial Circuit are as follows:

**INDEPENDENCE COUNTY (BATESVILLE)  
DRUG COURT**

The Independence County (Batesville) Drug Court Program has been in operation since November, 2003. Staffings are held at 1:00 p.m. and status review hearings are scheduled for 2:00 p.m. on Monday afternoons. Drug Court is held every other Monday at the Independence County District Courtroom at 549 West Main Street in Batesville, Arkansas.

**CLEBURNE COUNTY (HEBER SPRINGS)  
DRUG COURT**

The Cleburne County (Heber Springs) Drug Court Program has been in operation since November, 2005. Staffings are held at 8:30 a.m. and status review hearings are scheduled for 9:30 a.m. on Monday mornings. Drug Court is held every other Monday at the Cleburne County Court Building at 922 South 9th Street in Heber Springs, Arkansas.

**STONE COUNTY (MOUNTAIN VIEW)  
DRUG COURT**

The Stone County (Mountain View) Drug Court Program has been in operation since January, 2008. Staffings are held at 8:30 a.m. and status review hearings are scheduled for 9:30 a.m. on Monday mornings. Drug Court is held every other Monday at the Drug Court Office at 1005 Maple Drive in Mountain View, Arkansas.

**IZARD/FULTON COUNTY (MELBOURNE)  
DRUG COURT**

The Izard/Fulton (Melbourne) Drug Court Program has been in operation since September, 2010. Staffings are held at 1:30 p.m. on Monday afternoons. Drug Court is held every other Monday at the Izard County District Courtroom at 300 Circle Drive, Melbourne, Arkansas.

**VETERANS TREATMENT COURT**

The Veterans Treatment Court (VTC), an exceptional sub-set of the existing 16th Judicial Circuit Drug Court, has been in operation since its approval by the Arkansas Supreme Court in October, 2014. VTC is held on the dates and at the locations of the four Drug Courts enumerated hereinabove.

**JUVENILE DRUG COURT PROGRAM  
INDEPENDENCE AND CLEBURNE COUNTIES**

The 16th Judicial Circuit has established a Juvenile Drug Court Program (JDC) which has been in operation since 2009. The JDC is a post-adjudication program that serves youths between the ages of 14 and 18, excluding violent offenders and sex offenders. The JDC is a four-phase drug treatment program. Participants' treatment needs are assessed by the coordinator and treatment staff, upon referral to the program and throughout the program based on the changing circumstances and compliance with court orders. Incentives and sanctions are issued by the circuit judge based upon the participant's program compliance through the treatment phases. Intensive supervision is provided by juvenile probation staff and the juvenile drug court coordinator. Participants receive at least monthly court reviews.

**The JDC program, policies and practices are in compliance with A.C.A. §16-98-303(a) and A.C.A. §16-10-139 (a) and all applicable laws involving the assessment of juvenile costs and fees for probation services, including A.C.A. §9-27-367 Court Costs, Fees and Fines and A.C.A. §16-13-326 Circuit Court Juvenile Division Funds.**

**JDC team members include: juvenile drug coordinator, the circuit judge, drug treatment providers, public defender, prosecutor and juvenile officers. Team members participate in staffings and in hearings to ensure that all available resources are used in a timely manner to meet a juvenile's individualized needs. Treatment is provided by contract agency through the Department of Human Services, Behavioral Health Division. The state provides funds for a Juvenile Drug Court Coordinator hired by the Court. Drug tests are paid for by juvenile court fees. The Juvenile Drug Court Coordinator or his/her designee enters data on performance measures on each juvenile drug court participant into Contexte.**