

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 2022

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 Danny W. Glover	Division 2
Judge Christopher W. Morledge	Division 3
Judge Chalk S. Mitchell	Division 4
Judge Kathie Hess	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.

- A. Description of Program and How it is Operated.** The 1st Judicial District Adult Drug Court is a post-adjudication program that serves medium to high-risk adults, excluding violet offenders and sex offenders. The 1st Judicial District Adult Drug

Court is a four-phase drug treatment program, typically not to exceed a year. 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 probation staff and drug court coordinator. Participants receive at least monthly court reviews. The Adult Drug Court Coordinator or his/her designee enters data on performance measures on each adult drug court participant into Contexte.

- B. **Statutory or Legal Authority.** A.C.A. § 16-98-301 et. Seq
- C. **Certification.** The program conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessment.
- D. **Description of the Program's Use of Court Resources.** Adult Drug Court team members include, drug coordinator, the circuit judge, drug treatment providers, public defenders, and prosecutors. Team members participate in staffings and in hearings to ensure that all available resources are used in a timely manner to meet a participant's individualized needs. Treatment is provided by contract agency through the Department of Human Services, Behavioral Health Division.
- E. **Source of Funding for Program.** The state funds an Adult Drug Court Coordinator hired by the Court. Drug tests are paid for by adult court fees. The Adult Drug Court Coordinator or his/her designee enters data on performance measures on each drug court participant into Contexte.

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 Hess 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.

- A. **Description of Program and How it is Operated.** The 1st Judicial District Juvenile Drug Court (JDC) is a post-adjudication program that serves medium to high-risk

youths between the ages of 14 and 17, excluding violet offenders and sex offenders. The 1st JDC is a four-phase drug treatment program, typically not to exceed a year. 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 probation staff and drug court coordinator. Participants receive at least monthly court reviews. The Juvenile Drug Court Coordinator or his/her designee enters data on performance measures on each adult drug court participant into Contexte.

- B. **Statutory or Legal Authority.** A.C.A. § 16-98-301 et. Seq
- C. **Certification.** The program conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessment.
- D. **Description of the Program's Use of Court Resources.** JDC team members include, juvenile drug coordinator, the circuit judge, drug treatment providers, public defenders, and prosecutors 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.
- E. **Source of Funding for Program.** The state funds 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.

6.3 The First Judicial District Veteran's Court began operation in November, 2021. Court sessions are conducted on a monthly basis in Phillips County, Arkansas. The program is open to defendants who are eligible and are recommended as veterans of the Armed Forces of the United States. Individuals who are residents of the first judicial circuit are eligible to participate under certain conditions. The statutory authority for a Veteran's Court is §16-101-101. The program is conducted in conformance with all applicable sentencing laws including fines, fees, court costs and probation assessments. Judge Mitchell shall conduct this court.

The members of the Veterans Court Program team include the judge, the Veterans Affairs Administration, the prosecuting attorney, public defender and local court staff. Funding and transportation are provided by the Veterans Administration.

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 specialty court. See Arkansas Supreme Court *Administrative Order No. 14* (2012 Ark. 468).

8. "Misdemeanor Appeals Court" means a court exclusively dedicated to addressing District Court appeals. This court in St. Francis County shall be conducted by Judge

Morledge; in Cross County by Judge Glover; and, in Phillips County by Judge Wilson and Judge Mitchell. It is not a specialty court. See 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 each quarter for purposes of administering this *Administrative Order*. The time of the meeting shall be 5:00 p.m. Actions taken by the circuit judges must be approved by an affirmative vote of a majority 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. Of 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 division 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 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 Danny W. Glover) 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 Lee 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 Kathie Hess) 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 Judges will review *ex-parte* petitions for purposes of issuing or denying *Temporary Orders of Protection*. They 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, calendar 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 Glover and Judge Morledge
Lee County - Judge Mitchell and Judge Glover
Monroe County - Judge Mitchell and Judge Glover
Phillips County - Judge Mitchell and Judge Wilson
St. Francis County - Judge Wilson and Judge Morledge
Woodruff County - Judge Glover 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. 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 1,277 cases for Division One; 1,140 case for Division Two; 1,139 cases for Division Three; 1,139 cases for Division Four; and, 715 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. 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 and CROSS COUNTY (25th District), LEE COUNTY and PHILLIPS COUNTY (22nd District); and WOODRUFF and JACKSON COUNTY (15th District)

The majority of the circuit judges of the First Judicial Circuit of Arkansas concur that the

Administrative Judge may refer to the State District Courts 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 Judges 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 Judges 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. Please see the attached *1st Circuit Administrative Order No. 18 Referrals to State District Judges* and the separate Plans for the State District Courts. 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.

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, 2021. Judge Christopher W. Morledge will serve a term of two years.

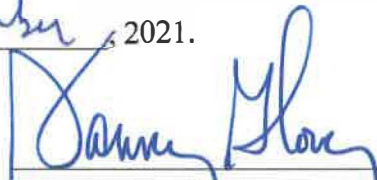
VI. APPROVAL OF THE CIRCUIT JUDGES:

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.

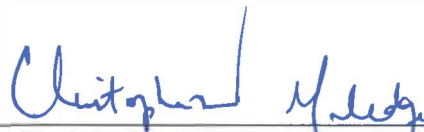
IT IS SO ORDERED THIS 1st DAY OF November, 2021.




Judge E. Dion Wilson, Circuit Judge
Division One



Judge Danny W. Glover, Circuit Judge
Division Two



Judge Christopher W. Morledge, Circuit Judge
Division Three



Judge Chalk S. Mitchell, Circuit Judge
Division Four



Judge Kathie Hess, Circuit Judge
Division Five

ATTACHMENT "A"
FIRST JUDICIAL CIRCUIT
Case Assignment Percentage Table

(Based on the total number of cases filed in 2020, taken from the year end report from the
Administrative Office of the Courts)

CIVIL

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		121	132	97	147	3
Lee		52	51	38	71	1
Monroe		37	33	35	49	1
Phillips		200	222	183	167	0
St. Francis		112	119	94	128	1
Woodruff		36	54	32	38	0
Total	2,256	558	641	479	608	6
Clearance Rate	82%					

CRIMINAL

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		145	373	376	109	
Lee		64	87	58	49	
Monroe		36	84	3	78	
Phillips		187	74	20	144	
St. Francis		642	121	338	39	
Woodruff		73	44	77	6	
Total	3,246	1,147	783	874	425	
Clearance Rate	76%					

DOMESTIC RELATIONS

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		64	105	155	266	367
Lee		10	38	54	74	518
Monroe		22	31	41	44	127
Phillips		236	236	266	309	1,049
St. Francis		56	154	158	172	355
Woodruff		12	30	52	57	47
Total	5,107	400	594	726	922	2,463
Clearance Rate	66%					

JUVENILE

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		1		1	3	241
Lee						28
Monroe						32
Phillips		1		2		686
St. Francis						222
Woodruff						186
Total	1,403	2	0	3	3	1,395
Clearance Rate	84%					

PROBATE

		Div. 1	Div. 2	Div. 3	Div. 4	Div. 5
Cross		23	33	107	119	13
Lee		25	37	56	68	13
Monroe		14	33	30	27	1
Phillips		109	169	303	755	56
St. Francis		139	201	338	429	43
Woodruff		25	36	77	71	23
Total	3,383	335	508	911	1,469	149

Attachment B

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
_____ DIVISION

**CONSENT TO PROCEED BEFORE A
STATE DISTRICT COURT JUDGE**

(Plaintiff)

v.

CASE NO. _____

(Defendant)

The undersigned parties (or counsel, if so authorized) to this proceeding are fully aware of the right to proceed before a State District Court Judge and do hereby consent to the reference of the matter to a State District Court Judge in accordance with Administrative Order Number 18.

By consenting to the reference of this matter to a State District Court Judge, the parties waive their right to a jury trial, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals as authorized by law.

The State District Court Judge shall be empowered to conduct all further proceedings and to order the disposition of the matter and the entry of an appropriate judgment.

PLAINTIFFS

DATE

DEFENDANTS

DATE

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this matter be referred to _____,
State District Court Judge, for the conduct of further proceedings and the entry of
judgment in accordance with the foregoing consent.

DATE

CIRCUIT JUDGE

1ST CIRCUIT
ADMINISTRATIVE ORDER NO. 18 REFERRALS TO STATE DISTRICT JUDGES

ADMINISTRATIVE ORDER NO. 18 REFERRALS FROM CIRCUIT COURT.
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Has the circuit court referred matters pursuant to Administrative Order No. 18 to be heard by a state district judge?

- ☒ Yes
☐ No

Participating State District Judges ----- Assignment and Allocation of Cases

The state district judges participating in referrals from the circuit court include:

Name	District Court Judicial District	Assignment and Allocation of Cases
Judge Henry Boyce	15 th District	100% of Referrals in Woodruff County
Judge Jason Carter	22 nd District	100% of Referrals in Lee County and Phillips County
Judge Ann Hudson Division 1	25 th District	50% of Referrals in Cross County and St. Francis County
Judge Mike Smith Division 2	25 th District	50% of Referrals in Cross County and St. Francis County

Matters Subject to Reference

The following matters are referred from circuit court to state district court and have been included in the administrative plan for the circuit court and the administrative plan for the district court:

☒ **Consent Jurisdiction.** Upon the consent of all parties and approval by the circuit judge originally assigned, the following types of cases are referred from circuit court:

- ☒ Civil
- ☒ Domestic Relations
- ☒ Probate

☒ **Protective Orders (Ex Parte Only).**

☐ **Forcible Entry and Detainers / Unlawful Detainer.**

☒ **Other Matters of an Emergency or Uncontested Nature Pending in Civil, Domestic Relations or Probate Division.** *Please provide detailed information regarding the types of matters that will be referred and where these matters will be heard below.*

Type of Other Matters	Location
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Civil Commitment Emergency Holds

☐ **Other Matters, if Justification for the Reference and Procedures to be Employed are Sufficiently Demonstrated in the Circuit Court Administration Plan Pursuant to Administrative Order No. 14.** *Please provide detailed information regarding the types of matters that will be referred and where these matters will be heard below.*

Type of Other Matters	Location
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☒ **Criminal.** The following duties are referred with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:

- ☒ Issue Search Warrant Pursuant to Rule 13.1
- ☒ Issue Arrest Warrant Pursuant to Rule 7.1 or A.C.A. §16-81-104
- ☒ Issue Summons Pursuant to Rule 6.1
- ☒ Reasonable Cause Determinations Pursuant to Rule 4.1 (e)
- ☒ Conduct First Appearance Pursuant to Rule 8.1
- ☒ Appoint Counsel Pursuant to Rule 8.2
- ☒ Inform Defendant Pursuant to Rule 8.3
- ☒ Accept Plea of “Not Guilty” or “Not Guilty by Reason of Insanity”
- ☒ Conduct Pretrial Release Inquiry Rules 9.1, 9.2 and 9.3
- ☒ Conduct Preliminary Hearing Pursuant to A.C.A. §16-93-307

Digital Audio Recording Equipment

Is digital audio recording equipment utilized to make a verbatim record of matters referred from the circuit court?

☒ Yes

Cross County
St. Francis County

☒ No

Lee County
Phillips County
Woodruff County

Specialty Court Dockets or Programs

Does a district court judge preside over a circuit court specialty court program?

☐ Yes

☒ No

The following circuit court specialty courts are conducted:

Type of Specialty Court	Location
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Not Applicable

- Type of specialty docket and description of its operation:
- Statutory or legal authority on which it is based:
- Certification of compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, probation fees.
- Use of court resources. *[Describe the court team including prosecuting attorneys, public defenders, and health professionals; that each has been consulted in setting up the program and its operation; scheduling has been coordinated; and the necessary resources are available.]*
- Sources of funding:

ATTACHMENT E

GENERAL CHILD VISITATION SCHEDULE

for the

First Judicial Circuit of Arkansas

(Approved by Judge Dion Wilson, Judge Danny Glover,
Judge Christopher W. Morledge, Judge Chalk Mitchell, and Judge Kathie Hess)
(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.

FIRST JUDICIAL CIRCUIT VISITATION CALENDAR

2022

-JANUARY-

S	M	T	W	T	F	S
						①
②	3	4	5	⑥	7	8
9	10	⑪	12	13	⑭	⑮
⑯	17	18	19	⑳	21	22
23	24	⑫	26	27	⑳	㉑
⑳	31					

-FEBRUARY-

S	M	T	W	T	F	S
		①	2	3	④	⑤
⑥	7	8	9	⑩	11	12
13	14	⑮	16	17	⑱	⑲
⑳	21	22	23	⑫	25	26
27	28					

-MARCH-

S	M	T	W	T	F	S
		①	2	3	④	⑤
⑥	7	8	9	⑩	11	12
13	14	⑮	16	17	⑱	⑲
⑳	21	22	23	⑫	25	26
27	28	⑬	30	31		

-APRIL-

S	M	T	W	T	F	S
					①	②
③	4	5	6	⑦	8	9
10	11	⑫	13	14	⑮	⑯
⑰	18	19	20	⑳	21	22
23	24	⑫	26	27	28	29
30	31					

-MAY-

S	M	T	W	T	F	S
1	2	③	4	5	⑥	⑦
⑧	9	10	11	⑫	13	14
15	16	⑬	18	19	⑮	⑯
⑰	22	23	24	25	⑫	27
28	29	30	⑬	31		

-JUNE-

S	M	T	W	T	F	S
			1	2	③	④
⑤	6	7	8	⑨	10	11
12	13	⑫	14	15	⑮	⑯
⑰	19	20	21	22	⑫	24
25	26	27	⑫	29	30	

-JULY-

S	M	T	W	T	F	S
					①	②
③	4	5	6	⑦	8	9
10	11	⑫	13	14	⑮	⑯
⑰	18	19	20	⑳	21	22
23	24	⑫	26	27	28	29
⑳	31					

-AUGUST-

S	M	T	W	T	F	S
1	②	3	4	⑤	⑥	
⑦	8	9	10	⑫	12	13
14	15	⑬	17	18	⑮	⑯
⑰	22	23	24	⑫	26	27
28	29	⑬	30	31		

-SEPTEMBER-

S	M	T	W	T	F	S
				1	②	③
④	5	6	7	⑧	9	10
11	12	⑫	13	14	⑮	⑯
⑰	19	20	21	⑫	23	24
25	26	⑫	27	28	29	⑫

-OCTOBER-

S	M	T	W	T	F	S
						①
②	3	4	5	⑥	7	8
9	10	⑫	12	13	⑭	⑮
⑯	17	18	19	⑳	21	22
23	24	⑫	26	27	28	29
30	31					

-NOVEMBER-

S	M	T	W	T	F	S
		①	2	3	④	⑤
⑥	7	8	9	⑩	11	12
13	14	⑮	16	17	⑱	⑲
⑳	21	22	23	⑫	25	26
27	28	⑬	29	30		

-DECEMBER-

S	M	T	W	T	F	S
				1	②	③
④	5	6	7	⑧	9	10
11	12	⑫	13	14	⑮	⑯
⑰	19	20	21	⑫	23	24
25	26	⑫	27	28	29	⑫

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2022 Holidays

Jan 1 - New Year's Day
Jan 17 - MLK Day
April 17 - Easter
May 8 - Mother's Day

May 30 - Memorial Day
June 19 - Father's Day
July 4 - Independence Day

Sept 5 - Labor Day
Nov 24 - Thanksgiving Day
Dec 25 - Christmas Day

This calendar is to be used in conjunction with the First Judicial Circuit's Standard Visitation Schedule and the Court Order. This calendar indicates the full days, or parts of days, the non-custodial parent is entitled to visit with his/her child or children in 2021 according to the Standard Visitation Schedule customarily used by the First Judicial Circuit. For example, a circle found on a Friday means that the non-custodial parent may start his/her weekend visitation on Friday afternoon; it does not mean visitation begins the day before, or the morning of, that Friday. The hours of visitation and the times for exchange of the children are found in the Standard Visitation Schedule or the Court Order. If the Standard Visitation Schedule is not applicable either because of a Court Order or written agreement, this calendar may not be applicable.