

FOURTH JUDICIAL DISTRICT OF ARKANSAS
ADMINISTRATIVE PLAN
EFFECTIVE JANUARY 1, 2022

INTRODUCTION

The majority of Circuit Judges presiding in the Fourth Judicial Circuit of Arkansas have, in accordance with the provisions of Administrative Order Number 14 of the Supreme Court of Arkansas, adopted this Administrative Plan for the Circuit.

The Fourth Judicial District of Arkansas consists of Madison and Washington Counties. The circuit has eight divisions with the following Circuit Judges serving in each division:

Currently, the following Circuit Judges serve in each division:

Division 1 - Doug Martin
Division 2 - John Threet
Division 3 - Stacey Zimmerman
Division 4 - Cristi Beaumont
Division 5 - Beth Storey Bryan
Division 6 - Mark Lindsay
Division 7 - Joanna Taylor
Division 8 – Diane Warren

Four separate buildings house the eight divisions as follows:

Main Court House, located at 280 N. College, Fayetteville: Divisions 1, 2, 5, 6 and 7

Historic Court House, located at 4 S. College, Fayetteville: Division 4, houses Drug Court, Drug Court Deputy Public Defender, Drug Court Case Manager, Drug Court Counselors, Drug Court Liaison and Drug Court Administrator (.3 miles from Main Court House)

Juvenile Justice Complex, located at 885 Clydesdale, Fayetteville: Division 3, houses Juvenile Court Division 3, Juvenile Officers and Staff serving Division 3, Teen Court Coordinator, Washington County Juvenile Detention Center with staff and 2 licensed Social Workers; and 2 Deputy Circuit Clerks who handle juvenile and domestic relations filings (2.9 miles from Main Court House)

Court House Annex, located at 123 N. College, Fayetteville: Division 8, houses Juvenile Court Division 8, Juvenile Officers and Staff serving Division 8 (.1 mile from Main Court House)

GOAL OF THE PLAN

The purpose of the Administrative Plan is to facilitate the best use of available judicial and support resources within the circuit in order that cases will be resolved in an efficient and prompt

manner. The Administrative Plan represents a process that apportions the business of the circuit courts among each of the judges on as equal basis as possible and for random distribution of cases to judges who hear the type of case set forth in the plan.

EFFECTIVE DATE

The Administrative Plan is adopted by the undersigned judges and shall take effect January 1, 2022, or upon approval by the Supreme Court of Arkansas, and shall remain in effect until December 31, 2023, or until such time as the Supreme Court of Arkansas approves a subsequent plan.

Juvenile Cases

Juvenile Intake and Probation Officers and Housing of those Juvenile Officers

The two divisions (Division 3 and Division 8) that hear juvenile cases (DEL, FINS and DN) are currently sharing juvenile intake and probation officers who are included in 2021 Division 3 Washington and Madison counties budgets. As Division 8 is a newly created court with Judge Warren taking the bench January 1, 2021, when the proposed 2021 Washington County budgets were due in June 2020, no circuit judge for Division 8 had been elected yet, so the number of the juvenile intake and probation officers needed for Division 8 could not be included in the proposed 2021 budgets.

The proposed 2022 Washington County Budgets were submitted by both Division 3 and Division 8 before the June 2021 deadline. The Washington County Quorum Court is currently holding budget meetings to finalize and approve the county budgets for both divisions. Those budgets have not yet been approved by the Washington County Quorum Court at this time. The Washington County Quorum Court will have a final budget passed by December 31, 2021, which will include the budgets for the eight circuit courts.

Division 8 has been in conversations with Washington County elected officials and Washington County buildings and grounds department to modify two large empty spaces at the Annex (which houses Division 8 court) to create offices for the juvenile intake and probation officers requested by Division 8 to be funded by the Washington County Quorum Court. It is the county's responsibility and not the circuit judges to outfit office space to house the additional juvenile intake and probation officers requested in Division 8's proposed budget. There is room in the Annex for the Division 8 juvenile intake and probation officers to be housed there.

Madison County does not have the funds to employ additional juvenile officers and as a result, Divisions 3 and 8 are sharing the Madison County juvenile officer.

Juveniles Filed on as Adults

Juveniles filed as adults in criminal cases in both Washington and Madison Counties are assigned to Division 8 who also hears 50% of the juvenile docket. If the case is transferred to juvenile division, the case is randomly assigned to Division 3 or Division 8, both divisions hearing 50% of the docket and therefore, familiar with the services available through juvenile courts.

Juvenile Detention Hearings /First Appearance

Juvenile detention hearings for juveniles arrested and cited for non-traffic and non-game and fish misdemeanors and all felonies in Washington and Madison Counties are held on Mondays, Tuesdays, Thursdays and Fridays. The judge in Division 3 hears all detention hearings held on Monday and Tuesday. The judge in Division 8 hears all detention hearings held on Thursday and Friday.

Felony 8.1 and Felony Arraignments for Adults

Pursuant to Administrative Order 18 of the Supreme Court, (A)(5)(iv) and (C), and by agreement of all Circuit and District Court Judges, Washington County District Judges shall hear felony 8.1 hearings and felony arraignments (in addition to misdemeanor first appearances and arraignments) on Mondays, Wednesdays and certain Fridays of each month. Circuit Judges for Divisions 4 and 5 shall hear felony 8.1 hearings and felony arraignments (in addition to misdemeanor first appearances and arraignments by agreement) on the 2nd and 4th Fridays. District Judge Graham Nations shall hear felony 8.1 hearings and felony arraignments (in addition to misdemeanor first appearances and arraignments by agreement) every Monday. District Judge Casey Jones shall hear felony 8.1 hearings and felony arraignments (in addition to misdemeanor first appearances and arraignments by agreement) every Wednesday. District Judge Terra Stephenson shall hear felony 8.1 hearings and felony arraignments (in addition to misdemeanor first appearances and arraignments by agreement) the 1st, 3rd and 5th Fridays of each month. The proceedings shall be of record using the court reporter provided by Washington County.

Additionally, pursuant to Administrative Order No 18, the state district judges may issue search warrants pursuant to Rule 13.1, issue arrest warrants pursuant to Rule 7.1 or §16-81-104, appoint counsel pursuant to Rule 8.2, inform Defendant pursuant to Rule 8.3, accept pleas of "Not Guilty" or "Not Guilty by Reason of Insanity" and conduct pretrial release inquiries pursuant to Rules 9.1, 9.2 and 9.3.

CASELOAD ESTIMATES AND CASE ASSIGNMENTS

Annual new case filings per division are estimates based upon averages from new case filings from January 1, 2019 through December 31, 2020:

Division 1- 2,435
Division 2-1, 718
Division 3-1,200
Division 4- 1,777
Division 5-1, 718
Division 6-3,966
Division 7-1,767
Division 8-1,250

Division 1
25% Probate
50% Civil
50% Order of Protection cases pending or filed after December 31, 2021, and all Order of Protection cases pending in Division 1 on December 31, 2021

Note: Division 1 and Division 7 shall freely transfer domestic abuse and probate cases as necessary to establish an integrated domestic violence docket.

Division 2
25% Civil
25% Domestic Relations (excluding Domestic Abuse cases and any divorce, custody, support or visitation case that includes allegations of domestic violence)
25% Probate

Division 3
50% Juvenile cases filed (50% Delinquency 50% Family In Need of Services and 50% D/N cases)
Juvenile Detention Hearings held on Mondays and Tuesdays
50% of Open Juvenile cases (50% Delinquency, Family In Need of Services and D/N cases) filed before January 1, 2021,
10% Domestic Relations (excluding Domestic Abuse cases and any divorce, custody, support or visitation case that includes allegations of domestic violence)

Division 4
25% Domestic Relations (excluding Domestic Abuse cases and any divorce, custody, support or visitation case that includes allegations of domestic violence)
Drug Court and Veteran's Court

Division 5
25% Civil
25% Domestic Relations (excluding Domestic Abuse cases and any divorce, custody, support or visitation case that includes allegations of domestic violence)
25% Probate

Division 6
75% Washington County Criminal Cases
100 % Madison County Criminal Cases
Domestic Relations filed January 1, 2015 to April 15, 2016
Open Probate cases assigned prior to January 1, 2013

50% Order of Protection cases pending or filed after December 31, 2021, to include all Orders of Protection that involve minor children, and all Order of Protection cases pending in Divisions 2 and 5 on December 31, 2021; All new and re-opened Domestic Relations cases involving parties or children with pending or final Order of Protection cases in Washington or Madison Counties;

25% Washington County Criminal Cases (to include cases involving domestic violence charges that might be transferred from the 6th Division from time to time); and

25% Probate, to include those cases involving parties or children with pending or final Order of Protection cases in Washington or Madison Counties.

On December 31, 2021, to implement the above re-distribution of the pending Division 7 Domestic relations cases, Judge Taylor will recuse from all pending Domestic Relations cases that do not have related Order of Protection cases, and those cases shall be assigned equally and randomly to the 2nd Division (Judge Threet), 4th Division (Judge Beaumont), 5th Division (Judge Bryan) and 8th Division (Judge Warren).

Any re-opened Division 7 Domestic Relations cases that were closed as of January 1, 2022, shall be assigned equally and randomly to the 2nd Division (Judge Threet), 4th Division (Judge Beaumont), 5th Division (Judge Bryan) and 8th Division (Judge Warren).

Beginning January 1, 2022, any re-opened Division 6 Domestic Relations cases that were closed as of January 1, 2015, shall be assigned equally and randomly to the 2nd Division (Judge Threet), 4th Division (Judge Beaumont), 5th Division (Judge Bryan) and 8th Division (Judge Warren).

Note: Division 1 and Division 7 shall freely transfer Order of Protection and probate cases as necessary to establish an integrated domestic violence docket.

Note: The circuit judges of the 4th Judicial District are mindful of Supreme Court Administrative Order No. 14, Section 3.(a)(1) requiring “all matters connected with a pending or supplemental proceeding be heard by the judge to whom the matter was originally assigned” in the “absence of good cause to the contrary.” The redistribution of the Order of Protection and other Domestic Relations cases as set forth herein is necessary to determine the efficacy and feasibility of an integrated domestic violence docket for the judicial district,

which the circuit judges have determined is a worthwhile goal of long-term benefit to the citizens of the district and will have limited impact on the litigants of the cases to be transferred. Establishment of said integrated domestic violence docket constitutes good cause for deviating from Administrative Order No. 14.

Division 8 -

50% Juvenile cases filed (50% Delinquency, 50% Family In Need of Services and 50% D/N cases)
Juvenile Detention Hearings held on Thursdays and Fridays
50% of open juvenile cases (50% Delinquency, Family In Need of Services and D/N cases) filed before January 1, 2021
All Criminal Division cases in which a juvenile is charged
15% Domestic Relations (excluding Domestic Abuse cases and any divorce, custody, support or visitation case that includes allegations of domestic violence)

Probate cases involving a child or party in an open and pending Juvenile proceeding shall be transferred to Division 3 or Division 8 depending on which judge is assigned the companion case.

TRANSFERS POLICY

A judge may transfer a case to another Division for judicial economy to manage related cases or for the purposes of redistribution of cases to assist in case management provided the Judge receiving the case is in agreement. The Order of Transfer shall specify if the Clerk of the Court is to randomly assign a subsequently filed case to the transferring Division in order to maintain equal distribution of cases among the Divisions in effectuating the transfer. If the Order of Transfer specifies that there be no assignment of a subsequently filed case to the transferring Division, the Clerk of the Court shall take no action except to note the reassignment of the case.

RANDOM ASSIGNMENT

The assignment of cases shall be random, based on case types as assigned to the various Divisions of Court as provided in Assignment of Cases section. The Clerk is directed not to assign a case to a Division until such time as the file-mark of the Clerk has been affixed. The Clerk is prohibited from making the Division assignment known until the number is affixed to the pleading initiating the case. The Clerk is to maintain Criminal, Civil, Domestic Relations, Probate and Juvenile docket for each of the respective numerical Divisions.

SPECIALTY DOCKETS OR PROGRAMS

Washington County Drug Court

The Washington/Madison County Drug Court program has been in operation since 1999. Court sessions are conducted in Washington County. In February 2019, Washington and Madison County drug courts were split, and we started having Madison County services and court in Madison County when possible. The program utilizes a pre-adjudication and post-adjudication process and is open to defendants with a felony charge, non-violent offenders.

Washington County Drug Court (WCDC) is held in the courtroom of the **4th Division** of Washington County Circuit Court. In order to be accepted into the program, the applicant must be charged with a felony. The applicant's attorney submits the request for admission to the Prosecuting Attorney. If the presiding Judge and Prosecuting Attorney approve, the case is transferred to the Fourth Division.

Graduation Requirements:

1. Have paid all financial obligations, including court-ordered and probation fines and fees and treatment program balance owed.
 2. Have been actively involved in the program.
 3. Verify abstinence (by urinalysis drug screens) during the last 180 days in the program.
 4. Complete all treatment plan assignments/other assignments.
 5. Complete application and get approval by Treatment Team for graduation.
2. The statutory authority for WCDC is A.C.A. Section 16-98-301 to 16-98-307 et seq.
 3. The WCDC conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.
 4. 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 funding from the Public Defenders Commission, Department of Community Corrections, the Washington County Quorum Court, the State of Arkansas, and collection of court fees and grants.
 5. The members of the drug court program team include the Judge, Prosecuting Attorney, Case Manager, Drug Court Liaison, Public Defender, Treatment Provider, Probation Officers, DCC Administrative Staff, Law Enforcement, and Coordinator. They have been consulted for purposes of scheduling, to ensure 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.

Madison County Drug Court

In February of 2019, the Madison County Drug Court was established to allow participants in Madison County to have easier access to treatment and court. The program utilizes a pre-adjudication and post-adjudication process and is open to defendants with a felony charge, non-violent offenders.

Madison County Drug Court (MCDC) is held in the courtroom of the Madison County Courthouse in Huntsville, Arkansas once or twice a month. In order to be accepted into the program, the applicant must be charged with a felony. The applicant's attorney submits the request for admission to the Prosecuting Attorney. If the presiding Judge and Prosecuting Attorney approve, the case is transferred to the Fourth Division.

Graduation Requirements:

1. Have paid all financial obligations, including court-ordered and probation fines and fees and treatment program balance owed.
 2. Have been actively involved in the program for a minimum of 15 months.
 3. Verify abstinence (by urinalysis drug screens) during the last 180 days in the program.
 4. Complete all treatment plan assignments/other assignments.
 5. Complete application and get approval by Treatment Team for graduation.
2. The statutory authority for MCDC is A.C.A. Section 16-98-301 to 16-98-307 et seq.
 3. The WCDC conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.
 4. 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 funding from the Public Defenders Commission, Department of Community Corrections, the Washington County Quorum Court, the State of Arkansas, and collection of court fees and grants.
 5. The members of the drug court program team include the Judge, Prosecuting Attorney, Case Manager, Drug Court Liaison, Public Defender, Treatment Provider, Probation Officers, DCC Administrative Staff, Law Enforcement, and Coordinator. They have been consulted for purposes of scheduling, to ensure 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.

FOR NEW DRUG COURT PROGRAMS AND/OR SPECIALTY PROGRAMS OTHER THAN
DRUG COURTS:

Veterans' Treatment Court

1. The Veterans' Treatment Court is an accountability-based program designed to address addiction and the criminal behavior associated with it. Participants who choose to take part in VTC are willing to attend treatment meetings and a bi weekly or monthly court session in exchange to have their charges reduced or even dismissed from their records when they graduate.

VTC is held in the courtroom of the **4th Division** of Washington County Circuit Court. In order to be accepted into the program, the applicant must be charged with a felony. The applicant's attorney submits the request for admission to the Prosecuting Attorney. If the presiding Judge and Prosecuting Attorney approve, the case is transferred to the Fourth Division.

The minimum amount of time it takes to finish VTC is 15 months. Each participant has an individualized treatment plan.

Graduation Requirements:

1. Have paid all financial obligations, including court-ordered and probation fines and fees and treatment program balance owed.
 2. Have been actively involved in the program for a minimum of 15 months.
 3. Verify abstinence (by urinalysis drug screens) during the last 180 days in the program.
 4. Complete all treatment plan assignments/other assignments.
 5. Complete application and get approval by Treatment Team for graduation.
2. The statutory authority for Veterans' Treatment Court is A.C.A. Section 16-101-101 et seq.
3. The Veterans' Treatment Court program conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.
4. The Veteran's Treatment Court uses the same Court resources as the existing drug court program. The prosecuting attorney, public defender, court reporter, drug court coordinator, case manager and law clerk employed for the existing drug court program perform their same duties for the veterans' program. The judge currently presiding over the drug court program also presides over the veterans' program. Treatment/counseling services are provided by the Veterans' Administration.
5. The program receives funding from the Public Defenders Commission, Department of Community Corrections, the Washington County Quorum Court, the State of Arkansas, the Federal government, and the collection of court fees. Some grant funds are also available. The Veterans' Administration provides its resources at no cost to Washington or Madison Counties.

Teen Court

Over the last 25 years, Washington County has had a very successful Teen Court, and is led by the Teen Court coordinator who is a part-time Washington County employee (not a juvenile intake or probation officer), who is housed at the Washington County Juvenile Justice Complex at 885 Clydesdale, Fayetteville. It is not a specialty court. It is a diversion program for a juvenile who has been cited with a non-violent misdemeanor who has no court history. There is no judge involvement. If the juvenile and his/her custodian agree to have the citation go through Teen Court, the Teen Court Coordinator gives the juvenile a date in which to participate in Teen Court. At the Teen Court meeting, juvenile peers serve on the pretend jury, a juvenile is the pretend prosecutor, a juvenile is a pretend defense attorney, and a local attorney serves as a pretend judge. The Teen Court jury can give the juvenile community service, and/or require the juvenile to write a letter of apology. As Teen Court is not a real court, it is not a specialty court. Teen Court is a diversionary program.

STATE DISTRICT COURT ADMINISTRATIVE PLANS

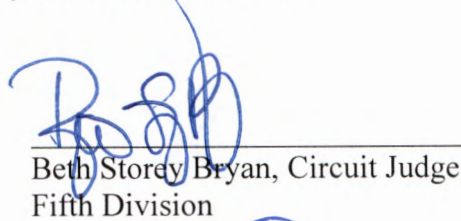
In accordance with the provisions of Administrative Orders Numbers 14 and 18, the State District Courts for Madison and Washington counties, each having multiple venues in the district, have submitted Administrative Plans which are appended to the Circuit Court Administrative Plan and said plans are endorsed by the undersigned circuit judges.

The Administrative Plan for the Fourth Judicial Circuit of Arkansas is hereby submitted to the Arkansas Supreme Court for approval on the 17 day of November, 2021.

Approved:



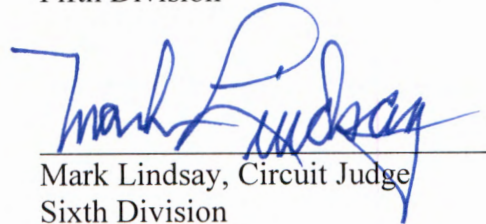
Doug Martin, Circuit Judge
First Division



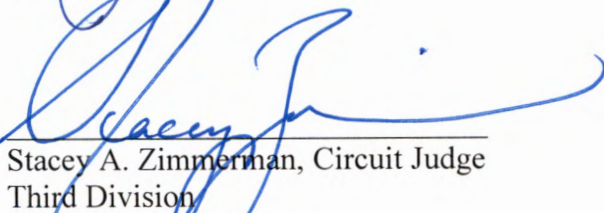
Beth Storey Bryan, Circuit Judge
Fifth Division



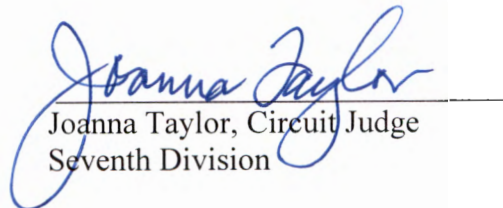
John Threet, Circuit Judge
Second Division



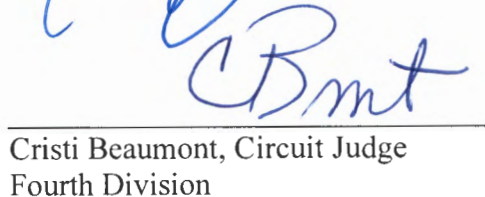
Mark Lindsay, Circuit Judge
Sixth Division



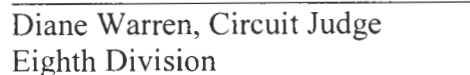
Stacey A. Zimmerman, Circuit Judge
Third Division



Joanna Taylor, Circuit Judge
Seventh Division



Cristi Beaumont, Circuit Judge
Fourth Division



Diane Warren, Circuit Judge
Eighth Division