

**IN THE CIRCUIT COURT OF THE 19TH JUDICIAL DISTRICT WEST
ADMINISTRATIVE PLAN**

WHEREAS the Arkansas Supreme Court has adopted Administrative Order No. 14, as amended; and

WHEREAS, said Administrative Order allows for the division of cases among the seven Circuit Judges with criminal, civil, juvenile, domestic relations and probate cases permitted to be separate; and

WHEREAS the Circuit Judges of the 19th Judicial District West have taken into account the physical facilities, personnel available, historical statistical data from the Administrative Office of the Courts and the Benton County Circuit and Probate Clerks, the projected caseload of each Judge, the experience and abilities of the individual Judges to promote prompt and efficient resolution of cases; and

WHEREAS there are seven (7) divisions of the 19th West Judicial Circuit duly qualified to the designated Divisions of Circuit Court, as follows:

Robin Green	Division One
Brad Karren	Division Two
Thomas E. Smith	Division Three
John R. Scott	Division Four
Xollie Duncan	Division Five
Doug Schrantz	Division Six
Christine Horwart	Division Seven

IT IS, THEREFORE, CONSIDERED, ORDERED AND AGREED by the Circuit Judges of the 19th Judicial Circuit West, as follows:

I. DIVISIONS

The existence of Divisions shall not be construed to limit or preclude Judges from hearing

other cases that may come before them. At times when one or more of the Judges may be absent or unavailable, another Judge may be called upon to act upon matters assigned to another Division of Circuit Court.

II. ASSIGNMENT AND ALLOCATION OF CASES

1. CRIMINAL CASES: Criminal cases shall be randomly and equally assigned to Divisions One and Two.

2. JUVENILE CASES: Juvenile cases and Juvenile drug court cases shall be assigned to Division Three.

3. DOMESTIC RELATIONS CASES: Domestic Relations cases, except domestic abuse cases, shall be randomly assigned as follows, to-wit:

<i>Division Three</i>	1%
<i>Division Four</i>	24%
<i>Division Five</i>	25%
<i>Division Six</i>	25%
<i>Division Seven</i>	25%

Domestic Relations cases involving a child or party in an open and pending Juvenile proceeding shall be transferred to Division Three.

4. PROBATE CASES: Probate cases, except civil commitment and adult protective services, shall be randomly assigned as follows, to-wit:

<i>Division Three</i>	8%
<i>Division Four</i>	23%
<i>Division Five</i>	23%
<i>Division Six</i>	23%
<i>Division Seven</i>	23%

5. DOMESTIC ABUSE AND CIVIL COMMITMENT CASES: Domestic Abuse and Civil Commitment cases shall be randomly and equally assigned to Divisions Four, Five, Six, and Seven. It is intended that Domestic Abuse cases that are filed later than a Divorce or Paternity case filed in Division Three shall be transferred to Division Three.

6. ADULT PROTECTIVE SERVICES CASE: All Adult Protective Services cases shall be assigned to Division Three.

7. CIVIL CASES: The Circuit Clerk shall not except for filing any original actions seeking a remedy pursuant to 2007 Ark. Acts, No. 1004. All other Civil cases shall be randomly assigned as follows, to-wit:

<i>Division One</i>	<i>0.0%</i>
<i>Division Two</i>	<i>0.0%</i>
<i>Division Three</i>	<i>8%</i>
<i>Division Four</i>	<i>23%</i>
<i>Division Five</i>	<i>23%</i>
<i>Division Six</i>	<i>23%</i>
<i>Division Seven</i>	<i>23%</i>

The total projected caseload for each Division based upon the above proposed allocation of cases is attached hereto as Exhibit "A". Estimated weighting of cases accounts for the differences in case numbers.

8. SPECIALTY COURTS: Veteran's Court cases, Adult Drug Court cases and Juvenile Drug Court cases shall be assigned to Division Three.

9. TRANSFERS:

a. No case shall be transferred from one Division to another solely on the basis that the case includes issues and/or remedies sounding in both law and equity.

b. Criminal, Domestic Relations, and Probate cases shall first be transferred

to the other Division(s) assigned to hear like cases. In the event both Divisions assigned to hear a Criminal case should recuse, the case shall be randomly assigned to Divisions Three, Four, Five, Six and Seven. In the event all Divisions assigned to hear Domestic Relations and Probate cases shall recuse, the case shall be randomly assigned to Divisions One and Two. Civil cases shall be reassigned in the manner provided for the initial assignment of Civil cases.

c. Transfers from Division Three on Juvenile cases originally assigned to that Division shall be randomly assigned to Divisions Four, Five, Six, and Seven. If recused from Four, Five, Six, and Seven, the recusal shall be randomly assigned to Divisions One and Two.

d. A Judge recusing from a case or transferring a case shall cause an Order of Recusal or Transfer to be entered of record. The Clerk of the Court shall assign an additional case to the recusing or transferring court in order to maintain equal distribution of cases among the divisions. (See Section III, Random Assignment.) This shall not apply to transfers from Division Three to Divisions One or Two of juvenile delinquency cases for disposition as an adult Criminal case.

e. The Clerk shall maintain a Recusal and Transfer Orders Book in which a copy of each and every Order of Recusal and/or Transfer shall be recorded and preserved in chronological order according to the Division of Court recusing or transferring the case and the Division to which the case is assigned or transferred.

f. The Circuit Clerk is hereby instructed to indicate in the administrative records and in the Transfer Orders Book the transfer of a Criminal case to Drug Court or Veteran's Court once the order from Drug Court or Veteran's Court approving the transfer of the criminal defendant's case to Drug Court or Veteran's Court is entered. If a defendant is terminated from Drug Court or Veteran's Court, the Criminal case shall be returned to

the Division where it originated based on final ruling of Division Three.

g. A Judge may transfer a case to another Division for judicial economy to manage related cases or for purposes of redistribution of cases to assist in case management provided the Judge being assigned 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 transfer of a subsequently filed case to the transferring Division, the Clerk of Court shall take no action except to note the reassignment of the case. (See Section III, Random Assignment.) This provision shall not apply to transfers from Division Three to Divisions One or Two of juvenile delinquency cases for disposition as an adult Criminal case.

III. RANDOM ASSIGNMENT

The assignment of cases shall be random, based on case types as assigned to the various Divisions of Court as provided in Section II. 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 a separate Criminal, Civil, Domestic Relations, Probate, and Juvenile docket for each of the respective numerical Divisions.

IV. CASE LOAD ESTIMATES

Division One	2200 Criminal Cases
Division Two	2200 Criminal Cases
Division Three	70 Domestic Cases
	70 Probate Cases
	300 Specialty Court Cases
	1,000 Juvenile Cases

	150 Civil Cases
Division Four	700 Domestic Cases
	300 Probate Cases
	750 Civil Cases
Division Five	700 Domestic Cases
	300 Probate Cases
	750 Civil Cases
Division Six	700 Domestic Cases
	300 Probate Cases
	750 Civil Cases
Division Seven	700 Domestic Cases
	300 Probate Cases
	750 Civil Cases

V. SPECIALTY COURTS

Veterans Court

A. Description of Program and How it Operates. Veteran's Court is a 15 month program which is pre or post adjudicated serving former veterans using national and state best practices. See attached plan.

B. Statutory Authority. Ark. Code Ann. §16-101-101 et seq.

C. Certification. The program conforms to all applicable sentencing laws including fines, fees, court costs, and probation assessments.

D. Description of the Program's Use of Court Resources. All resources are used to comply with best practices as allowed by State and Federal guidelines. We partner with Veterans administration to provide counseling services and State supplies a probation officer which also

monitors State Drug Court. The State also provides a prosecutor and public defender for said cases.

E. Source of Funding. State Specialty Court funds and Federal Grants provide all funding.

Adult Drug Court

A. Description of Program and How it Operates. Drug court Tract 1 is a 15 month pre and post adjudicated program for high risk participants. Tract 2 is a 9 month program designed for moderate risks. Tract 3 is a 6 month diversion program used for low risk participants. Best practices for screening and program guidelines are used to qualify participants and monitor participants while in the program. Attached is Plan

B. Statutory Authority. Ark. Code Ann. §16-98-301 et seq.

C. Certification. The program conforms to all applicable sentencing laws including fines, fees, court costs, and probation assessments.

D. Description of the Program's Use of Court Resources. All resources are used to comply with best practices as allowed by State and Federal guidelines. State supplies 3 probation officers, two counselors. A prosecutor, and a public defender. Grants pay for program coordinator, an assistant, and two counselors.

E. Source of Funding. State Specialty Court funds and Federal Grants supply the funding.

Juvenile Drug Court

A. Description of Program and How it Operates. The program is designed for high risk youth to complete an 12 month program. Attached is the Plan

B. Statutory Authority. Ark. Code Ann. §16-98-301 et seq.

C. Certification. The program conforms to all applicable sentencing laws including fines, fees, court costs, and probation assessments.

D. Description of the Program's Use of Court Resources. All resources used to comply with best practices as allowed by State and Federal guidelines A coordinator is paid for by the

state of Arkansas. The State also provides a prosecutor and public defender. Other resources are used when granted by other state funds or federal grants

E. Source of Funding. State Specialty Court funds and Federal Grants.

VI. DOCKET MAINTENANCE

Each Division shall periodically prepare and review docket reports. Each Judge shall review the docket reports in order to be fully aware of the status of his or her docket.

Each Division shall maintain a management system for the purpose of tracking responsibility and deadlines for presentation of orders by attorneys practicing before the Court.

VII. DISTRICT COURT JUDGES

ADMINISTRATIVE ORDER NO. 18 REFERRALS FROM CIRCUIT COURT.

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:

<u>Name</u>	<u>District Court Judicial District</u>	<u>Assignment and Allocation of Cases</u>
Judge Chris Griffin Division 1	1 st District	25% Criminal Referrals
Judge Ray Bunch Division 2	1 st District	25% Criminal Referrals
<u>Name</u>	<u>District Court Judicial District</u>	<u>Assignment and Allocation of Cases</u>
Judge A.J. Anglin Division 3	1 st District	25% Criminal Referrals
Judge Jeff Conner Division 4	1 st District	25% Criminal Referrals

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.

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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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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<u>Extradition Proceedings</u>	Benton County Jail
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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
- No

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

- a. Type of specialty docket and description of its operation:
- b. Statutory or legal authority on which it is based:
- c. Certification of compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, probation fees.
- d. 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.]*
- e. Sources of funding:

District Court Administrative Plans

The following district court administrative plans are appended for submission to the supreme court:

- 1st District – Benton County

VIII. ADMINISTRATIVE JUDGE

The Administrative Judge shall be selected on or before the first day of February of each year following the year in which a general election is held. The circuit judges of the judicial circuit shall select one of their number by secret ballot to serve as administrative judge for the judicial circuit. The selection must be unanimous, and the administrative judge shall serve a term of two years. Any vacancy in the office shall be dealt with as provided in Administrative Order No. 14, as amended.

The Administrative Judge shall, in general, perform the duties as required under Administrative Order No. 14, as amended. The Administrative Judge shall, specifically, perform the following duties:

1. Communicate with the Chief Justice, as necessary, regarding administration of the Plan in the 19th Judicial District West. Copies of all written communication sent or received shall be provided by the Administrative Judge to the other six Judges in the Circuit. In the event the communication is not in writing, a summary of the communication shall be provided to the other six Judges in the Circuit by the Administrative Judge.

2. Ensure the Administrative Plan and its implementation are consistent with Amendment 80 and the orders of the Supreme Court.

3. Ensure that the business of the Court is apportioned among the Circuit Judges as equally as possible and that case assignments are made in accordance with the Administrative Plan. The Administrative Judge shall have the authority to enter orders and otherwise require the Circuit Judges in the district to perform the duties as required by the Administrative Orders of the Arkansas Supreme Court and by Rule 8.1 of the Arkansas Rules of Criminal Procedure when he/she deems it appropriate.

4. Call meetings to modify the Administrative Plan should the case apportionment become unequal. Modification of the Administrative Plan's apportionment of cases shall be done only by majority vote of the seven Judges.

5. Compute, develop, and coordinate case statistics and/or other management data for the 19th Judicial District West.


6. Submit the Administrative Plan of the 19th Judicial District West to the Supreme Court by July 1st of each year following the year in which the general election is held. The effective date of the plan will be the following January.


7. Call meetings on his/her own accord or at the request of any other Judge.

IT IS SO ORDERED AND AGREED this 29 day of March 2021.


ROBIN GREEN, Division One


BRAD KARREN, Division Two


THOMAS E. SMITH, Division Three


JOHN R. SCOTT, Division Four


XOLLIE DUNCAN, Division Five


DOUG SCHRANTZ, Division Six


CHRISTINE HORWART, Division Seven

CERTIFICATION

The undersigned, as Administrative Judge of the 19th Judicial District, certifies that, in accordance with Amendment 80 and Administrative Order 14, as amended, the foregoing Administrative Plan results in an equal apportionment of caseload among the Judges of the

District, requires random assignment of cases, and takes into consideration the physical facilities, financial constraints, personnel available, and experience and abilities of the individual Judges in the 19th Judicial District and complies with the letter and the spirit of Amendment 80 and Administrative Order 14, as amended.



THOMAS SMITH
Administrative Judge