

**ADMINISTRATIVE PLAN
FOR THE
16th JUDICIAL CIRCUIT**

Effective January 1, 2022

The 16th Judicial Circuit is a five (5) county circuit located in rural North Central Arkansas consisting of Cleburne, Fulton, Independence, Izard, and Stone Counties. There are currently four (4) Circuit Judges who serve the 16th 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 2022 - 2023 is basically the same plan approved by the Supreme Court in 2020, 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 Circuit'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 2022 - 2023.

Case Assignment and Allocation

Division One – Judge Holly Meyer

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 – Judge Don McSpadden

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 Cleburne and Stone County Adult Drug Courts.

Division Three – Judge Lee Harrod

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 – Judge Tim Weaver

Division Four has jurisdiction of all Criminal cases in the circuit except Adult Drug Court and jurisdiction of Ex Parte Orders of Protection.

Drug Court Cases in Independence, Fulton and IZard Counties

The Independence County District Judge, Chaney Taylor, shall preside over all Drug Court cases in Independence, Fulton, and IZard Counties.

Order of Protection Cases

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, Lance Wright, shall preside over all hearings on Petitions for an Order of Protection in Cleburne County.

The Independence County District Court Judge, Chaney Taylor, 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.

Other Case Assignment Provisions

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 2021.

Caseload Estimate

Pursuant to Administrative Order No. 14, the judges of the 16th Judicial Circuit have attempted to distribute among themselves "a substantially equal apportionment of cases" based upon the projected 2022 caseload of each of the judges based upon previous case filings in the years 2019, 2020, and 2021, and after taking into consideration the impact of the COVID-19 Pandemic.

The following is an estimate of the projected caseload of each of the judges based upon previous case filings:

DIVISION I:	1,466
DIVISION II:	1,227
DIVISION III:	1,050
DIVISION IV:	1,232

The judges of the 16th Judicial Circuit 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 agree 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 Circuit.

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.

Specialty Courts

16TH JUDICIAL CIRCUIT DRUG COURT PROGRAMS

A. Description of the Program and How it Operates.

The 16th Judicial Circuit has established 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.

B. Statutory or Legal Authority.

Ark. Code Ann. § 16-98-301 to § 16-98-306.

C. Certification.

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

D. Description of Program's Use of Resources.

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 Drug Court Program
(Batesville)**

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 Drug Court Program
(Heber Springs)**

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 Drug Court Program
(Mountain View)**

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 County and Fulton County Drug Court Program
(Melbourne)**

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.

E. Source of Funding.

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.

**INDEPENDENCE COUNTY AND CLEBURNE COUNTY
JUVENILE DRUG COURT PROGRAMS**

A. Description of the Program and How it Operates.

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.

B. Statutory or Legal Authority.

Ark. Code Ann. § 16-98-301 to § 16-98-306.

C. Certification.

The program conforms to all applicable sentencing laws, including fines, fees, court costs, probation assessment. This programs also conforms to Ark. Code Ann. § 9-27-367 Court Costs, Fees and Fines, and Ark. Code. Ann. § 16-13-326 Circuit Court Juvenile Division Funds.

D. Description of Program's Use of Resources.

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 a contract agency through the Department of Human Services, Behavioral Health Division.

E. Source of Funding.

The state provides funds for a Juvenile Drug Court Coordinator hired by the Court. The Juvenile Drug Court Coordinator or his/her designee enters data on performance measures on each juvenile drug court participant into Contexte. Drug tests are paid for by juvenile court fees.

State District Court Judges

Administrative Order Number 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 Lance Wright	13th District	100% of Referred Matters in Cleburne County
Judge Chaney Taylor	14 th District	100% of Referred Matters in Independence 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.

The following matters may be 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:

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 may be referred and where these matters will be heard below.*

Type of Other Matters

- Ex-Parte Emergency Involuntary Commitment Pursuant to Ark. Code Ann. §20-47-209-210
- Decedent Estate Administration
- Uncontested Divorces
- Defaults
- This does not include personal injury actions, actions for damages to real property, or uncontested adoptions which shall be dealt with by a circuit judge.

The Administrative Judge, as to any referred 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.

Location

Matters pending in the Circuit Court of Cleburne County will be heard in either the Cleburne County Circuit Court Courtroom or the Cleburne County District Court Courtroom.

Matters pending in the Circuit Court of Independence County will be heard in either the Independence County Circuit Court Courtroom or the Independence County District Court Courtroom.

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

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

Pursuant to Administrative Order No. 4, digital audio recording equipment is utilized to record a verbatim record of all proceedings referred from Circuit Court to State District Judges in Cleburne County and Independence County. The State District Court Digital Audio Recording Equipment Compliance Form has previously been submitted for Cleburne County and Independence County by the State District Judges.

Equipment is currently being purchased to ensure that Fulton, IZard, and Stone Counties have digital recording pursuant to Administrative Order No. 4.

Specialty Court Dockets or Programs

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

- Yes
- No

If a district judge presides over a circuit court specialty court, please provide the following information:

Type of Specialty Court and Location

16th Judicial Circuit Drug Court Programs

a. Type of Specialty Docket and Description of its Operation.

A description of the 16th Judicial Circuit Drug Court Program and its operation are provided on pages four and five of this administrative plan.

b. Statutory or Legal Authority.

. Code Ann. § 16-98-301 to § 16-98-306.

c. Certification of Compliance.

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

d. Use of Court Resources.

A description of the 16th Judicial Circuit Drug Court Program and its use of court resources are provided on pages four and five of this administrative plan.

e. Source of Funding.

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.

District Court Administrative Plans

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

State District Courts

- 13th District – Cleburne County
- 14th District – Independence County

Local District Courts

- Fulton County District Court
- Izard County District Court
- Stone County District Court

Local District Judges Designated as Criminal Magistrates

Pursuant to Rule 1.8 of the Arkansas Rules of Criminal Procedure, the administrative judge for the 16th Judicial Circuit, with the concurrence of a majority of the Circuit Court Judges, and with the consent of the District Judges, has designated the judges of the Fulton County District Court, the Izard County District Court, and the Stone County District Court as Criminal Magistrates.

Criminal magistrates shall be subject at all times to the superintending control of the circuit judges of the judicial circuit, and the criminal magistrate's territorial jurisdiction shall be coextensive to that of the circuit judges of the judicial circuit.

A criminal magistrate may perform the following duties with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:

1. Issue a search warrant pursuant to Rule 13.1.
2. Issue an arrest warrant pursuant to Rule 7.1 or Ark. Code Ann. § 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).

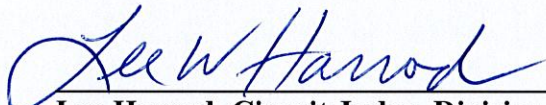
Conclusion

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 16th Judicial Circuit upon approval of the Supreme Court, until such time as it is superseded.

Holly Meyer, Circuit Judge, Division One

Don McSpadden, Circuit Judge, Division Two



Lee Harrod, Circuit Judge, Division Three

Tim Weaver, Circuit Judge, Division Four

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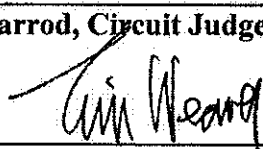
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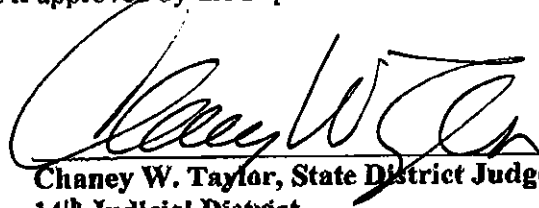
Don McSpadden, Circuit Judge, Division Two

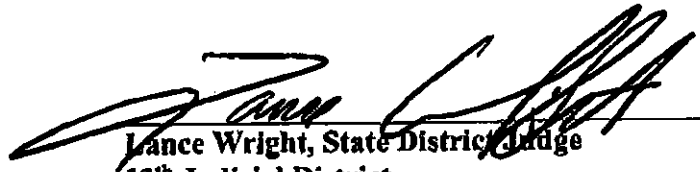
Lee Harrod, Circuit Judge, Division Three



Tim Weaver, Circuit Judge, Division Four

The above Administrative Plan has been submitted to the undersigned State District Judges of the 14th Judicial District composed of Independence County and the 13th Judicial District composed of Cleburne County 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.


Chaney W. Taylor, State District Judge
14th Judicial District


Lance Wright, State District Judge
13th Judicial District