

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
DISTRICT OF THE STATE OF ARKANSAS**

**ADMINISTRATIVE ORDER
IMPLEMENTING THE ADMINISTRATIVE PLAN
FOR CALENDAR YEARS 2022/2023**

Pursuant to Administrative Order No. 14 of the Supreme Court of Arkansas delivered on April 6, 2001, the following constitutes the administrative plan of the Circuit Courts of the Thirteenth Judicial District for the implementation of Amendment 80 to the Arkansas Constitution:

Act 951 of 2001 identifies and designates the separate divisions of circuit court as follows:

<u>OLD DESIGNATION</u>	<u>JUDGE</u>	<u>NEW DESIGNATION</u>
Chancery 1 st Division	Hamilton H. Singleton	Circuit Court 1 st Division
Chancery 2 nd Division	Mary Thomason	Circuit Court 2 nd Division
Circuit/Chancery Juv/3 rd Div.	Edwin A. Keaton	Circuit Court 3 rd Division
Circuit/Chancery 4 th Div.	Robin J. Carroll	Circuit Court 4 th Division
Circuit/Chancery 5 th Div.	David W. Talley, Jr.	Circuit Court 5 th Division
Circuit 2 nd Division	Spencer G. Singleton	Circuit Court 6 th Division

The Thirteenth Judicial District is comprised of six counties: Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union. The size caseload in the six counties is as disparate as are the resources. Dividing all cases in all six counties equally would place an extreme burden on support personnel of the courts. Therefore, the following division of cases is established:

2022/23 GRID

	CRIMINAL	JUVENILE	CIVIL **	DOMESTIC RELATIONS	PROBATE	DRUG COURT
CALHOUN	4 th Div.	5 th Div.	4 th Div. ¼ (40) 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	4 th Div. 6 th Div Gdn. only	N/A
CLEVELAND	5 th Div.	5 th Div.	4 th Div. ¼ (40) 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	1 st Div.	N/A
COLUMBIA	5 th Div.	5 th Div.	4 th Div. ¼ (40) 6 th Div. ¾	1 st Div. ¼ 2 nd Div. ¼ (40) 3 rd Div. ¼ 5 th Div. ¼	5 th Div.	Juvenile 5 th Div. Adult 5 th Div.
DALLAS	4 th Div.	5 th Div.	3 rd Div. ¼ (40) 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	3 rd Div.	N/A
OUACHITA	3 rd Div. ½ 4 th Div. ½	3 rd Div. ½ 5 th Div. ½	4 th Div. ¼ (40) 6 th Div. ¾	1 st Div. ⅓ (30) 2 nd Div. ⅓ 3 rd Div. ⅓	1 st Div.	Adult 3 rd Div.
UNION	1 st Div. ½ 4 th Div. ½	3 rd Div. ½ 5 th Div. ½	4 th Div. ¼ (40) 6 th Div. ¾	2 nd Div. ½ (40) 3 rd Div. ¼ 6 th Div. ¼	2 nd Div. ½ 6 th Div. ½	Adult 6 th Div.

**4th Div will be assigned ALL Civil Forfeiture and Election cases in the district

As the grid above reflects, there are six subject matter jurisdictions maintained by a circuit court (i.e., criminal, juvenile, civil, domestic relations, probate and drug court). Some of the subject matter jurisdictions have been divided between two or more judges. In each subject matter jurisdiction where there are two or more judges in that subject matter jurisdiction in that particular county, new filings will be assigned division numbers on a weighted random basis by the case management system. For instance, in the civil division of Union County, $\frac{1}{4}$ of the cases will be heard by the judge of the fourth division, while $\frac{3}{4}$ of the cases will be heard by the judge of the sixth division of circuit court.

The diagram above provides for the percentages of case assignments in each subject matter jurisdiction in each county where there are two or more judges responsible for cases in that particular docket.

The circuit clerks and county clerks (probate division) shall receive instruction from time to time from the judges of the Thirteenth Judicial District to assist them in assigning cases in such a manner that the assignment will be totally random.

Cases filed by the daughter of Judge Hamilton Singleton, Christina S. Carr, who is a practicing attorney and a deputy prosecuting attorney in the Thirteenth Judicial District, will not be placed in first division. In the event Judge Singleton's division is selected in a new filing by his daughter, the clerks are instructed to use the recuse function so that the case may be assigned another division.

DOMESTIC RELATIONS TEMPORARY and FINAL HEARINGS

Recognizing that litigants in this district need prompt hearings and resolutions of matters in domestic relations cases, if the assigned judge cannot provide a temporary hearing within thirty (30) days or a full hearing within ninety (90) days, the case may be transferred to another division. Transfer will be considered upon request to the Administrative Judge.

Although this plan contemplates the assignment of probate cases as set forth above, given the nature of certain probate matters, (i.e. emergency petitions for mental, drug or alcohol commitments) it is the intention of the judges to hear probate cases as needed regardless of division. This will be accomplished by reference to our exchange order which will be entered simultaneously with this Administrative Order.

DELINQUENCY – FAMILY IN NEED OF SERVICES/ DEPENDENCY-NEGLECT

(Ouachita and Union Counties)

All **DF** – Delinquency - Family in Need of Services cases filed in the Juvenile Division of the Circuit Court of Ouachita County, Arkansas, shall be filed in Division 3 and heard by Circuit Judge Edwin A. Keaton.

All **DN** - Dependency-Neglect cases filed in the Juvenile Division of the Circuit Court of Ouachita County, Arkansas, shall be filed in Division 5 and heard by Circuit Judge David W. Talley, Jr.

All **DF** – Delinquency - Family in Need of Services cases filed in the Juvenile Division of the Circuit Court of Union County, Arkansas shall be filed in Division 5 and heard by Circuit Judge David W. Talley, Jr.

All **DN** - Dependency-Neglect cases filed in the Juvenile Division of the Circuit Court of Union County, Arkansas shall be filed in Division 3 and heard by Circuit Judge Edwin A. Keaton.

CONFLICTS/RECUSALS

In accordance with Administrative Order 16: Procedures Regarding the Assignment of Judges (as amended and effective March 4, 2021), the following procedures will be followed in this circuit to reassign cases where a conflict has arisen after the filing of the case. The recusing judge shall file an Order of Recusal. The Circuit or County Clerk shall enter the case as a “recuse” into the case

management system. The case management system will then randomly reassign the case to another judge in the following priority:

FIRST, the case will be randomly reassigned to another judge who hears that same case type (civil, criminal, domestic relations, juvenile, probate, drug court) in the county where the case is filed;

SECOND, where there are no other judges who hear that same case type in the county where the case is filed or if the judge to whom the case is first reassigned then recuses and there are no other judges who hear that same case type in the county where the case is filed, the case will be randomly reassigned to another judge who hears that case type in the circuit;

THIRD, where there are no other judges who hear that same case type in the circuit or if all judges who hear that same case type in the circuit have recused, the case will be randomly reassigned to any judge of the circuit.

If all judges of the circuit have recused, the Circuit or County Clerk shall complete the form provided by the Administrative Office of the Courts to request a special judge. The Clerk shall send the form, along with documentation that all judges in the circuit have been recused, to the Chief Justice requesting that an assignment be made.

If the case management system lacks the capability to reassign the case as detailed above, the clerk's office may utilize a manual process to randomly reassign the case (i.e., drawing names) so long as that process complies with the reassignment procedures detailed above and ensures the random reassignment of the case.

DRUG COURT

UNION COUNTY

The Union County Drug Court program has been in operation since January 2002. Regular court sessions are conducted on the first Tuesday of each month at the Union County Criminal Justice Facility in El Dorado, Arkansas. The program primarily utilizes a post-adjudication process and is open to defendants who have committed eligible offenses, who have eligible continual histories and are recommended by the prosecutor. The Union County Drug Court operates under the statutory authority found in Ark. Code Ann. Section 16-98-301 et seq. This drug court conforms to all applicable sentencing laws, including but not limited to, fines, fees, court costs, and probation assessments. The program receives staff from the Department of Community Corrections and funding from the collection of court fees and grants from city/county, state and federal sources when available.

The members of the drug court team include a circuit judge, the prosecuting attorney, the public defender, private defense counsel, treatment professionals, DCC staff and local court staff. The drug court team meets before each scheduled drug court day to staff each defendant within the drug court program, and more frequently as needed. The program strives to use best practices and procedures.

Honorable Spencer G. Singleton, judge presiding.

OUACHITA COUNTY

The Ouachita County Drug Court Program has been in operation since April 2006. Regular court sessions are conducted two times per month, usually the second and fourth Mondays of the month. Court sessions are held in the courtroom located in the Ouachita County Detention Complex located in Camden, Arkansas. The program primarily utilizes a post-adjudication process and is open to defendants who have committed eligible offenses, who have eligible continual histories and are recommended by the prosecutor. The Ouachita County Drug Court operates under the statutory authority found in Ark. Code Ann. Section 16-98-301 et seq. This drug court conforms to all applicable sentencing laws, including but not limited to, fines, fees, court costs, and probation assessments. The program receives staff from the Department of Community Corrections and funding from the collection of court fees and grants from city/county, state and federal sources when available.

The members of the drug court team include a circuit judge, the prosecuting attorney, the public defender, private defense counsel, treatment professionals, DCC staff and local court staff. The drug court team meets before each scheduled drug court day to staff each defendant within the drug court program, and more frequently as needed. The program strives to use best practices and procedures.

Honorable Edwin A. Keaton, judge presiding.

COLUMBIA COUNTY

The Columbia County Adult Drug Court Program has been in operation since 2001. Court sessions are conducted in Columbia County, Arkansas. The program primarily utilizes a post-adjudication process and is open to defendants who have committed eligible offenses and are recommended by the prosecuting attorney. The Columbia County Drug Court operates under the statutory authority found in Ark. Code Ann. Section 16-98-301 et seq. This drug court conforms to all applicable sentencing laws, including but not limited to, fines, fees, court costs, and probation assessments. The program receives staff funding from the Department of Community Corrections and the collection of court fees.

The members of the drug court program team include the prosecuting attorney, public defender, DCC staff, drug court coordinator, and the circuit judge. They are 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. The program strives to use best practices and procedures.

Honorable David W. Talley, Jr., judge presiding.

COLUMBIA COUNTY

(Juvenile Division)

The Columbia County Juvenile Drug Court Program has been in operation since 2009. Court sessions are conducted in Columbia County, Arkansas. The program primarily utilizes a

post-adjudication process and is open to juveniles who have committed eligible offenses and are recommended by the prosecuting attorney. The Columbia County Juvenile Drug Court operates under the statutory authority found in Ark. Code Ann. Section 16-98-301 et seq. This drug court conforms to all applicable sentencing laws, including but not limited to, fines, fees, court costs, and probation assessments. The program receives staff funding from the Department of Human Services.

The members of the drug court program team include the prosecuting attorney, public defender juvenile drug court coordinator, drug court counselor and the circuit judge. Team members are 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. Court sessions are conducted twice a month. The program is conducted in conformance with Drug Court statutes. It is a certified program.

Honorable David W. Talley, Jr., judge presiding.

ALTERNATIVE SENTENCING PROGRAM

The Thirteenth Judicial District Alternative Sentencing Program (ASP) is designed to bring evidence-based, more effective sentencing practices to our jurisdiction. Through the use of risk assessment instruments that capture empirically validated risk factors for reoffending, and the use of research supported interventions targeting those specific risk factors, ASP program offers innovative pre-trial sanctions and services for offenders who are accepted into the program. Law enforcement, the judiciary, prosecution, defense, probation and community service providers, working together, guide the administration and operation of the program as it works to enhance public safety, hold offenders accountable and develop competencies in offenders such that they can become productive, contributing members of society.

Specifically, the goals of the ASP as are follows:

- **to enhance public safety** through reductions in recidivism;
- **to hold offenders accountable** to victims and communities (pre-trial) through various sanctions, restitution and work service hours; and
- **to increase competencies in offenders** through educational and vocational training, mental health management, drug treatment and other basic life-skills training so that they are better equipped to live crime-free lives.

Offenders submit themselves to the authority of the program pre-trial, before there has been any judicial determination of guilt, to make amends for wrongdoing. They repair the harm to the community and victims before they have any legal obligation to do so. This willingness to be held accountable pre-trial, when partnered with reduced risk to reoffend at the end of the program, can result in probation or dismissal of charges. The ASP is currently being utilized in the criminal subject matter jurisdictions in Columbia, Ouachita and Union counties. Act 1340 of 2013 has been implemented since these ASP programs have been in operations.

The 13th Judicial District Alternative Sentencing Program operates under the statutory authority for Sentencing Alternative/Pre-Adjudication Probation programs found in Ark. Code Ann. Section 5-4-901 et seq. This program conforms to all applicable sentencing laws, including but not limited to, fines, fees, court costs, and probation assessments. Its source of funding could include, but is not limited to, grants, fines, fees, court costs, county funds, state funding, and federal funding as received depending on availability.

Judges presiding:

Honorable David W. Talley, Jr.	Columbia County
Honorable Edwin A. Keaton	Ouachita County
Honorable Hamilton H. Singleton	Union County
Honorable Robin Carroll	Union and Ouachita Counties

UNION COUNTY SWIFT COURT

In addition to the ASP, the SWIFT Court program is one of five pilots in the state. The Union County SWIFT Court Program is designed to target defendants that, if not for the availability of the program, would be sentenced to the Arkansas Department of Correction. These defendants are targeted

in an effort to alleviate the burden of prison overcrowding and the financial burden that comes along with sentencing a defendant to the Department of Correction.

The Union County SWIFT Court Program utilizes intensive supervision coupled with frequent and random drug/alcohol testing to monitor defendants that are participating in the program. Any violation of the conditions of probation is met with immediate sanctions. Sanctions range from short term incarceration to community service to increased reporting. The Union County SWIFT Court Program is the last stop for defendants before being sentenced to the Arkansas Department of Correction. Union County SWIFT Program operates under the statutory authority found in Ark. Code Ann. Section 16-93-1701 et seq. This Probation Pilot Program conforms to all applicable sentencing laws, including, but not limited to, fines, fees, court costs, and probation assessments. Its source of funding and resources could include, but is not limited to, grants, fines, fees, court costs, county funds, state funding, and federal funding as received depending on availability.

Honorable Hamilton H. Singleton, judge presiding.

ARKANSAS JUVENILE CODE §9-27-318(d)

Filing and transfer to the Criminal Division of Circuit Court

When a petition to transfer a criminal charge is filed under Arkansas Juvenile Code Annotated §9-27-318(d), this judicial district agrees to have the transfer hearing conducted in the juvenile division of the circuit court. If the juvenile division of the circuit court denies the petition, the case shall remain in the original criminal division of the circuit court. If the juvenile's criminal charges are transferred and converted into delinquency charges under Arkansas Juvenile Code Annotated § 9-27-318(d), the case will then remain in the juvenile division.

STATE DISTRICT COURTS

The Thirteenth Judicial District has three state district courts. The Honorable Tom Wynne presides over the Thirty-Fourth Judicial District which is comprised of Cleveland, Dallas and Calhoun Counties. The Honorable Jack W. Barker presides over the Thirty-Fifth Judicial District which is comprised of Union County. The Honorable David C. Graham presides over the Thirty-Ninth Judicial District which is comprised of Columbia and Ouachita Counties.

The circuit judges of the Thirteenth Judicial District which includes the Thirty-Fourth, Thirty-Fifth, and Thirty-Ninth Judicial District Courts recognize the work that the judges in our state district courts conduct not only with original district court business, but also with the majority of felony warrants of arrest, search warrants, and first appearances of defendants arrested for felonious conduct.

The contributions of our state district court judges and their staff are greatly appreciated.

The circuit judges of the Thirteenth Judicial District agree to grant district court authority to the Union County District Court as permitted pursuant to the Arkansas Supreme Court's Administrative Rule 18 6.(b)(3) to hear by referral matters pending in Union County Circuit Court regarding Forcible Entry and Detainers and Unlawful Detainer actions, A.C.A. §§18-60-301-312. All hearings referred to this District Court are recorded.

Any orders which result from said actions shall be copied for review by the appropriate circuit judge and forwarded immediately via paper, fax or electronic mail.

CASELOAD ESTIMATE

As Administrative Judge I am not confident there is a means to accurately predict case filings considering the COVID pandemic. However, the plan for district courts and circuit courts was based on a three-year rolling average and is a fair distribution of cases based on historic filings both at the circuit and district courts.

CONCLUSION

The circuit judges will monitor the assignment of cases and periodically review and confer regarding the allocation of cases and any attendant problems.

The judges have unanimously agreed upon the division set forth above and further agree that this plan shall not be altered except by unanimous agreement.

IT IS HEREBY ORDERED that this order be filed and recorded by clerks of each county in the Thirteenth Judicial District, to be effective January 1, 2022. This Order shall remain in effect until amended or replaced by a subsequent order.

Dated this 29th day of June, 2021.

HAMILTON H. SINGLETON
Circuit Judge, First Division

ROBIN J. CARROLL
Circuit Judge, Fourth Division
Administrative Judge

MARY THOMASON
Circuit Judge, Second Division

DAVID W. TALLEY, JR.
Circuit Judge, Fifth Division

EDWIN A. KEATON
Circuit Judge, Third Division

SPENCER G. SINGLETON
Circuit Judge, Sixth Division

TOM WYNNE

JACK W. BARKER

District Judge, Thirty-Fourth Judicial District
District

District Judge, Thirty-Fifth Judicial

DAVID C. GRAHAM
District Judge, Thirty-Ninth Judicial District