

ADMINISTRATIVE PLAN For the Twentieth Judicial Circuit

The Circuit Judges in and for the Twentieth Judicial Circuit of the State of Arkansas, pursuant to Administrative Order No. 14 issued by the Arkansas Supreme Court on April 16, 2001, propose the following plan for allocation of caseload within this Circuit.

ADMINISTRATIVE POLICY

The Judges of the Twentieth Judicial Circuit shall meet periodically (no less than quarterly) and shall consider case management, administrative procedures, forms, calendars, etc. Any modification of this plan shall be by written agreement signed by a majority of the judges of this circuit to be submitted to the Arkansas Supreme Court for approval. The Trial Court Assistants of each division shall meet as necessary to coordinate the use of courtrooms. Each year a calendar shall be printed and published indicating courtroom assignments.

CASE ASSIGNMENT AND ALLOCATION

The Judges of the circuit have arrived at the following case assignment and allocation plan after considering the individual training and experience of each judge, the caseload and frequency of hearings in all the counties of the circuit, mandated time requirements, courtroom facilities and the availability of jurors:

RANDOM ASSIGNMENT

The Clerk of the Court shall assign newly filed cases at random, through the use of their software in the following proportions:

First Division – Judge Susan Weaver

- **Faulkner County**
 - 75% of all Civil cases
 - 35% of all Domestic cases
 - 50% of all Child Support Enforcement cases
- **Van Buren County**
 - 99% of all Civil cases
 - 30% of all Domestic Relations cases
 - 100% of all Adult Protective Services cases
 - 100% of all Dependent/Neglect cases
- **Searcy County**
 - 99% of all Civil cases
 - 100% of all Adult Protective Services cases
 - 100% of all Dependent/Neglect cases

Second Division – Judge Troy B. Braswell, Jr.

- **Faulkner County**

- 100% of all Juvenile Delinquency cases
- 100% of all Extended Juvenile Jurisdiction cases
- 100% of all Juvenile FINS/Truancy cases
- 100% of Juvenile Drug Court cases
- 100% of all Criminal cases involving juveniles charged as adults and their Co-Defendants
- 100% of Dependency Neglect cases where the juvenile is already under the jurisdiction of 2nd Division and 2nd Division believe it necessary for judicial economy and interest of the parties
- 50% of all Criminal cases, except those cases filed alleging a violation of any offense found in A.C.A. 5-26-301 et seq. Such shall be filed in 5th division as herein provided. This shall include co-defendants and any revocations associated with the defendant.
- Civil Forfeitures to run with companion criminal cases
- 25% of all Civil Commitments

- **Van Buren County**

- 100% of all Juvenile Delinquency cases
- 100% of all Extended Juvenile Jurisdiction cases
- 100% of all Family in Needs of Services cases
- 100% of all Juvenile FINS/Truancy cases
- 100% of all Criminal cases involving juveniles charged as adults and their Co-Defendants
- Civil Forfeitures to run with companion criminal cases
- 100% of all Juvenile Drug Court cases

- **Searcy County**

- 100% of all Juvenile Delinquency cases
- 100% of all Extended Juvenile Jurisdiction cases
- 100% of all Family in Needs of Services cases
- 100% of all Juvenile FINS/Truancy cases
- 100% of all Juvenile Drug Court cases
- 100% of all Criminal cases involving juveniles charged as adults and their Co-Defendants
- Civil Forfeitures to run with companion criminal cases

Third Division – Judge Charles E. Clawson, III

- **Faulkner County**

- 30% of all Criminal cases, except those cases filed alleging a violation of any offense found in A.C.A. 5-26-301 et seq. Such shall be filed in 5th division as herein provided. This shall include co-defendants and any revocations associated with the defendant.

Civil Forfeitures to run with companion criminal cases
20% of all Probate Cases
25% of all Civil Commitments
100% of all Adult Drug Court cases
25% of all Civil cases
100% of Veterans Court

- **Van Buren County**
 - 20% of all Domestic cases
 - 50% of all Probate cases
 - 1% of Civil cases
- **Searcy County**
 - 40% of all Domestic cases
 - 50% of all Probate cases
 - 1% Civil cases

Fourth Division – Judge David M. Clark

- **Faulkner County**
 - 65% of all Domestic cases
 - 50% of all Child Support Enforcement cases
 - 100% of all Dependent/Neglect cases
 - 80% of all Probate cases
 - 25% of Civil Commitments
 - 100% of all Adult Protective Services cases
 - All Domestic Relations cases where custody is an issue, and the child/children are already under the jurisdiction of 4th Division
 - FINS and Juvenile Delinquency cases where the family is already under the jurisdiction of 4th Division and 4th Division believes it necessary for judicial economy and the interests of the parties
- **Van Buren County**
 - 50% of all Domestic cases
 - 50% of all Probate cases
 - 100% of all Child Support Enforcement cases
- **Searcy County**
 - 60% of all Domestic cases
 - 50% of all Probate cases
 - 100% of all Child Support Enforcement cases

Fifth Division – Judge H.G. Foster

- **Faulkner County**

20% of all Criminal cases as well as 100% of all Criminal Cases which allege violation of 5-26-301 et seq. Such shall include any co-defendants and any probation revocations filed following the entry of a judgment in such cases subsequent to the effective date of modification

Civil Forfeitures to run with companion criminal cases

100% of all petitions seeking permanent Orders of Protection, including all Domestic Relations cases involving parties who have pending or permanent Orders of Protection (issued in the 20th Judicial Circuit)

25% of Civil Commitments

- **Van Buren County**

100% of all petitions seeking permanent Orders of Protection, including all Domestic Relations cases involving parties who have pending or permanent Orders of Protection (issued in the 20th Judicial Circuit)

100% of all Criminal cases

Civil Forfeitures that run with companion criminal cases

100% of all Civil Commitments

- **Searcy County**

100% of all petitions seeking permanent Orders of Protection, including all Domestic Relations cases involving parties who have pending or permanent Orders of Protection (issued in the 20th Judicial Circuit)

100% of all Criminal cases

Civil Forfeitures that run with companion criminal cases

100% of all Civil Commitments

CASELOAD ESTIMATE

1 st Division	1,530
2 nd Division	1,307
3 rd Division	1,325
4 th Division	1,644
5 th Division	1,327

The average number of new filings per division would be 1,462.6. Although 1st Division and 4th Division have higher “raw numbers,” both Judge Weaver and Judge Clark recognize the other divisions will have a backlog of criminal cases to clear out due to COVID-19. Additionally, Judge Weaver and Judge Clark realize that the other judges preside over “special” courts which require additional time. Judge Clark’s hears a large percentage of the probate docket. It is his opinion that these cases as less taxing on his time because they require little to no time in the courtroom; this allows him to take a larger number of cases.

SUPPLEMENTAL AND EMERGENCY PROCEEDINGS

It is preferable for the judge assigned to a case to handle all proceedings pertaining to that case. With the Courts being mindful of the following provisions:

- a. **Uncontested Matters:** The judges of each division shall preside over uncontested matters when presented.
- b. **Emergency and Ex Parte Orders:** Emergency and Ex Parte Orders shall be presented to and heard by the judge assigned unless that judge is unavailable.
- c. **Probation Revocation:** Probation Revocations shall be assigned to the division that sentenced the Defendant, unless prohibited by time limitation, or that division is no longer hearing those cases.
- d. **Reopening of Cases:** Cases that are reopened shall be assigned to the judge who originally presided over the matter. In the event the original judge is no longer serving as a judge, or the original judge is no longer assigned cases of that nature then the case shall be randomly re-assigned pursuant to the current docket agreement.
- e. **Exchange:** All Judges may sit on exchange when necessary for judicial economy.
- f. **Assignment of Cases:** Assignment according to the plan does not negate the authority of each judge to hear all types of cases when appropriate.
- g. **Civil Commitments:** Given the unique issues these cases pose as it relates to scheduling, the judges who hear these matters in Faulkner County hereby agree to develop a plan by which a specific judge will be available at all times to hear these matters regardless of which division the case may be assigned to. Furthermore, all judges agree to help in the handling of these matter, if practical, in Van Buren and Searcy Counties if they are available and 5th Division Circuit Court is unable to be present to hear the matter in a timely fashion.
- h. **Plea and arraignments:** Given the difficulty in advising criminal defendants who are able to be release on bond before their plea and arraignment date, as to which division their case is assigned to, the judges of the circuit shall develop a plan to cover plea and arraignments in such a way that criminal defendants will be given a date to appear, and the matter will be handled by whichever judge is available on that date.

Given that Second Division Circuit Court will no longer be receiving new civil filings under this plan and that all everts are being made to dispense with civil filings currently pending in Second Division Circuit Court, upon approval of this Administrative Plan by the Arkansas Supreme Court the Clerk shall commence filing all criminal cases in Faulkner County in Third Division.

The undersigned submitted this Plan based upon the directives of Administrative Order No. 14 after taking into consideration the interest of the judges involved and after seeking an equitable and agreeable division of the caseload.

- i. **Civil Cases in Searcy and Van Buren Counties:** In order to facilitate the best use of available judicial and support resources within the circuit, it was determined and agreed by all judges that only one judge should handle all civil cases in both Searcy and Van Buren County.

However, all judges acknowledge that there will be instances in which the assigned civil judge will be required to recuse. This would result in the random reassignment of the case and could possibly result in all five (5) circuit court judges having civil matters in these counties which would be extremely taxing to the resources in the circuit. Therefore, all judges of the circuit hereby agree that one additional judge should be assigned a minimal civil load in order that all recusal cases will remain with one judge, thereby easing any stress on the judicial resources in those counties that are necessary to conduct potential jury trials.

SUBMITTED THIS 19th DAY OF November, 2021.

The undersigned acknowledges that they have participated in the preparation of this Administrative Plan and are fully aware of its provisions:



SUSAN WEAVER - 1ST DIVISION



TROY B. BRASWELL, JR. - 2ND DIVISION



CHARLES E. CLAWSON, III. - 3RD DIVISION



DAVID M. CLARK - 4TH DIVISION



H.G. FOSTER - 5TH DIVISION

DRUG COURT PLAN

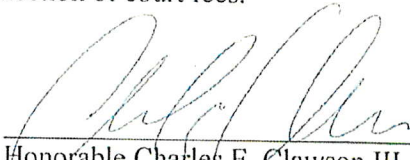
A. **Description of Program and How it is Operated.** The 20th Judicial Circuit Drug Court program has been in operation since 2003. Court sessions are conducted in all counties. The program utilizes a pre-adjudication and/or post-adjudication process and is open to defendants with a felony charge, non-violent offenders.

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.** The members of the Drug Court Program team include, Judge, Prosecuting Attorney, Public Defender, Treatment Provider, Probation Officers, DCC Administrative Staff 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.

E. **Source of Funding for Program.** The program receives staff funding from the Public Defenders Commission, Department of Community Corrections, and the Faulkner County Quorum Court, the State of Arkansas and collection of court fees.



Honorable Charles E. Clawson III
3rd Division



Honorable H.G. Foster
5th Division

20TH JUDICIAL CIRCUIT JUVENILE DRUG COURT PROGRAM

A. **Description of Program and How it is Operated.** The 20th Judicial Circuit Juvenile Drug Court (JDC) is a post-adjudication program that serves medium to high-risk youths between the ages of 14 and 17, excluding violent offenders and sex offenders. The 20th 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 juvenile probation staff and the juvenile 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 juvenile 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, 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.

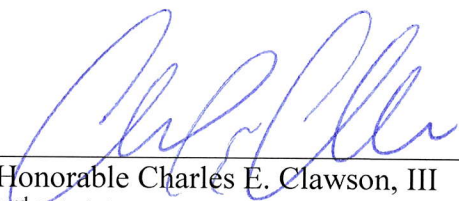
E. **Source of Funding for Program.** The state funds a Juvenile Drug Court Coordinator hired by the Court. Drug tests are paid for by juvenile court fees. The Juvenile Drug Court Coordinator or his/her designee enters data on performance measures on each juvenile drug court participant into Contexte.



Honorable Troy B. Braswell, Jr.
2nd Division

VETERANS COURT PROGRAM

- A. **Description of Program and How it is Operated.** The 20th Judicial Circuit Veterans' Court program has been in operation to help provide veterans with additional services to address their rehabilitative needs. Court sessions are conducted in Faulkner County. The program utilizes a pre-adjudication and/or post-adjudication process and is open to defendants with a felony charge.
- B. **Statutory or Legal Authority.** A.C. A. §16-101-101 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.** The members of the Veterans' Court Program team include, Judge, Prosecuting Attorney, Public Defender, Treatment Provider, Probation Officers, DCC Administrative Staff and Coordinator, and a representative from the Veterans' Affairs Office in Little Rock. 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
- E. **Source of Funding for Program.** The program receives no additional funds to operate, however, most of the counseling services provided are provided by the Veterans' Affairs Office in Little Rock.



Honorable Charles E. Clawson, III
3rd Division

STATE DISTRICT 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:

Name	District Court Judicial District	Assignment and Allocation of Cases
Judge Chris R. Carnahan Division I	9 th District	To be Determined
Judge Charles E. Clawson, Jr. Division II	9 th District	To be Determined

Judge Carnahan and Judge Clawson have agreed to accept referrals from the circuit court, but do not currently have the digital audio recording equipment that complies with the guidelines. Once the equipment has been obtained, the plan will be supplemented to include the assignment and allocation of cases to the state district judges.

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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To be Determined

Judge Carnahan and Judge Clawson have agreed to accept referrals from the circuit court, but do not currently have the digital audio recording equipment that complies with the guidelines. Once the equipment has been obtained, the plan will be supplemented to include the assignment and allocation of cases to the state district judges.

☐ **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
☒ No

Judge Carnahan and Judge Clawson have agreed to accept referrals from the circuit court, but do not currently have the digital audio recording equipment that complies with the guidelines. Once the equipment has been obtained, the plan will be supplemented to include the assignment and allocation of cases to the state district judges.

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:

- ☒ 9th District – Faulkner County and Van Buren County