

# 22<sup>nd</sup> Judicial District of Arkansas

## 2022 Administrative Plan

### **I. Circuit Judges**

1<sup>st</sup> Division - Judge Ken Casady

2<sup>nd</sup> Division - Judge Josh Farmer

3<sup>rd</sup> Division - Judge Brent Houston

4<sup>th</sup> Division - Judge Robert Herzfeld

### **II. District Judges**

Saline County District-Benton Department

Judge Clay Ford

Saline County District-Bryant Department

Judge Stephanie Casady

The Saline County District Court plan is also attached hereto pursuant to Administrative Order 14.

#### **A. District Court Authority for Certain Circuit Court Cases**

See Exhibit "A."

### **III. Circuit Court Case Division**

#### **1. 1<sup>st</sup> Division**

a.	Domestic Relations	30%
b.	Criminal	50%
c.	OCSE/Child Support	100%
d.	Adult Drug Court	100%
e.	Hope Court	100%

#### **2. 2<sup>nd</sup> Division**

a.	Criminal	25%
b.	Civil	50%
c.	Domestic Relations	35%
d.	Orders of Protection	50%

#### **3. 3<sup>rd</sup> Division**

a.	Criminal	25%
b.	Civil	50%
c.	Domestic Relations	35%
d.	Orders of Protection	50%

4. **4<sup>th</sup> Division**
  - a. Probate 100%
  - b. Juvenile Delinquency/FINS 100%
  - c. Juvenile Dependency/Neglect 100%
  - d. Juvenile Drug Court 100%
  - e. Administrative Judge

**B. Case Assignment and Allocation**

1. Juvenile, Child Support Enforcement, Hope Court, and Adult Drug Court shall be assigned to the specific Division indicated above. All other cases shall be assigned by the Clerks randomly pursuant to the above percentages.
2. The Circuit and County Clerks shall assign cases according to this plan. In the event the Clerk is unable to determine in which category a particular case belongs, the Clerk shall seek and follow the direction of the Administrative Judge.
3. Probation revocations shall be assigned to the division of the originating case and any new cases involving the same defendant shall be assigned to the original division as well.
4. Civil District Court Appeals will be assigned to the 2<sup>nd</sup> and 3<sup>rd</sup> Divisions 50/50 as per the civil plan above.
5. Criminal District Court Appeals will be divided as per the criminal filing plan above for the Benton Department, and Criminal District Court Appeals for the Bryant Department will be divided 50/50 between the 2<sup>nd</sup> and 3<sup>rd</sup> Divisions.

**C. Circuit Court Caseload Estimate by Annual Filings**

1. 1<sup>st</sup> Division -1600 cases
2. 2<sup>nd</sup> Division -1600 cases
3. 3<sup>rd</sup> Division -1600 cases
4. 4<sup>th</sup> Division -1700 cases

**IV. Specialty Dockets**

The 22<sup>nd</sup> Judicial District has three Specialty Dockets all approved by the Arkansas Supreme Court. The respective presiding judges by their signatures below hereby certify that their programs conform to all applicable sentencing laws.

- A. Saline County Adult Drug Court-Circuit Judge Ken Casady**  
(established 2003)

**1. Description of Program and How it Operates**

The Saline County Adult Drug Court is a pre-disposition drug court where the participants plead guilty to drug-related charges, but the plea is held in abeyance unless the participant is expelled from drug court. If the participant graduates from drug court, the plea is withdrawn and the case is dismissed. If they are expelled from the program for significant or repeated violations of program rules, the original plea is accepted and executed. Adult Drug Court is held each Thursday after a staffing of the drug court team, and the participants appear in court regularly depending on their particular phase or whether they are alleged to have violated drug court rules. Other than using the "Pre-Disposition" model, which is less common than the probation model of drug court but is believed to provide higher incentive for participants, the Saline County Adult Drug Court operates as a typical drug court with a focus on appropriate court interaction, team consensus, and the preservation of due process rights.

**2. Statutory Authority**

The Saline County Adult Drug Court is authorized by A.C.A. § 16-98-303.

**3. Certification Program Conforms to All Applicable Sentencing Laws**

By his signature at the bottom of this document, Judge Ken Casady hereby certifies that the Saline County Adult Drug Court conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.

**4. Describe Program's Use of Resources**

The Saline County Adult Drug Court consists of a drug court team with members including Circuit Judge Ken Casady, a deputy prosecuting attorney, a public defender, a probation officer, a drug court counselor, and a drug court administrative assistant. The Saline County Sheriff provides logistical support. The significant resources used other than the time of the members, are drug testing equipment, regular training, incarceration (for sanctions), in-patient drug treatment in some cases, and participant rewards such as phase tokens and graduation celebrations.

**5. Source of Funding**

The three department of community correction members of the drug court team are provided from the DCC through state appropriations. The other members are allocated by their respective agency/department. The drug testing supplies and other equipment used by the DCC members are provided by the DCC through state appropriations. The other expenses are paid from the Saline County Drug Court Fund, which is funded by participant fees.

**B. Saline County Hope Court-Circuit Judge Ken Casady**  
(established 2012)

**1. Description of Program and How it Operates**

The Saline County Hope Court is an intensive probation program with frequent interaction between probation officers and high-risk probationers. The key feature to the program is swift and certain sanctions for probation violations. When a participant is sentenced to Hope Court, they are given multiple orientations to the program including an initial interaction with the Hope Court judge in open court. Unlike drug courts, which include frequent judicial interaction, Hope Court participants only see the judge again in the event of alleged probation violations until they graduate.

**2. Statutory Authority**

The Saline County Adult Drug Court is authorized by A.C.A. § 16-93-1701 et seq.

**3. Certification Program Conforms to All Applicable Sentencing Laws**

By his signature at the bottom of this document, Judge Ken Casady hereby certifies that the Saline County Hope Court conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.

**4. Describe Program's Use of Resources**

The Saline County Hope Court consists of a Hope Court team with members including Circuit Judge Ken Casady, a deputy prosecuting attorney, a public defender, and probation officers. The Saline County Sheriff provides logistical support. The significant resources used other than the time of the members, are drug testing equipment, regular training, incarceration (for sanctions), and in-patient drug treatment in some cases.

**5. Source of Funding**

The probation officers and their supplies and equipment and training are provided from the DCC through state appropriations. The other members are allocated by their respective agency/department. The drug testing supplies and other equipment used by the DCC members are provided by the DCC through state appropriations.

**C. Saline County Juvenile Drug Court-Circuit Judge Robert Herzfeld**

(Established 2008)

**1. Description of Program and How it Operates**

The Saline County Juvenile Drug Court is an intensive probation program with frequent interaction between the probation officer and drug court counselors with high-risk juvenile probationers. The Saline County Juvenile Drug Court team consists of Circuit Judge Robert Herzfeld, a deputy prosecuting attorney, a public defender, the juvenile drug court director (probation officer), the Saline County Juvenile Court Director, two counselors, and the Bryant alternative school principal. The key features to the program are regular drug treatment, intense supervision, and swift and certain sanctions for probation violations. When a participant is sentenced to the Saline County Juvenile Drug Court (after a lengthy evaluation to determine whether they are qualified by having drug addiction issues combined with high risk for reoffending), they are given multiple orientations to the program including an initial interaction with the public defender, as well as with the Drug Court Judge in open court. Unlike many drug courts, which include weekly judicial interaction, Saline County Juvenile Drug Court participants only attend court when they are entering the program, promoting, facing sanctions, or graduating. This model is a blend of the standard drug court and the Hope Court models and is based upon significant criminological evidence that juvenile offenders' risk of re-offending *increases* with court appearances as well considering that it is better for juveniles to attend school than to attend court in the absence of significant need.

**2. Statutory Authority**

The Saline County Adult Drug Court is authorized by A.C.A. § 16-98-301 et seq.

**3. Certification Program Conforms to All Applicable Sentencing Laws**

By his signature at the bottom of this document, Judge Robert Herzfeld hereby certifies that the Saline County Juvenile Drug Court conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.

**4. Describe Program's Use of Resources**

The Saline County Juvenile Drug Court consists of a team with members including Circuit Judge Robert Herzfeld, a deputy prosecuting attorney, a public defender, the juvenile drug court director (probation officer), the Saline County Juvenile Court Director, two counselors, and the Bryant alternative school principal. The Saline County Sheriff provides logistical support. The significant resources used other than the time of the members, are drug testing equipment, training, incarceration (for sanctions), and in-patient drug treatment in some cases-although there are extremely limited beds for in-patient treatment for juveniles in Arkansas.

**5. Source of Funding**

The juvenile drug court director's salary is provided by state appropriation. The counseling resources are provided from The Counseling Clinic, LLC. through an ADAP grant and through their community provider contract with the Division of Youth Services. The other members are allocated by their respective agency/department. The drug testing supplies, equipment, training, and other needs and paid out of the Saline County Juvenile fees and fines account.

We, the undersigned judges of Saline County, Arkansas, the 22<sup>nd</sup> Judicial District, and the 32<sup>nd</sup> District Court District, hereby certify that all judges in the circuit attended a Zoom meeting regarding this plan, that every judge had an opportunity to have a voice in the completion of the administrative plan, and that we unanimously app[ro]ve the submission to the Supreme Court for app[ro]val.

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**District Judge Stephen Casady**  
**Bryant Department**

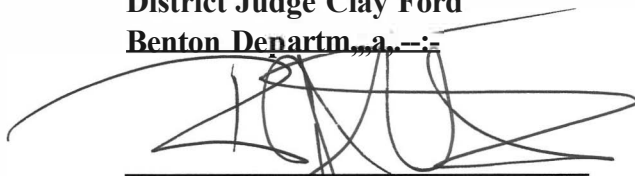


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**Circuit Judge Ken Casady**  
**1<sup>st</sup> Division**



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**Circuit Judge Josh Farmer**  
**2<sup>nd</sup> Division**

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**District Judge Clay Ford**  
**Benton Department**



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**Circuit Judge Brent Houston**  
**3<sup>rd</sup> Division**



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**Circuit Judge Robert Herzfeld**  
**4<sup>th</sup> Division**  
**Administrative Judge**

Judicial District: 22nd

Effective dates: January 1, 2022-December 31, 2023

County: Saline		Subject areas					Specific case types					
Division	Judge Name	CV	CR	DR	JV	ER						
1	Ken Casady		50%	30%				Adult Drug Court	Hope Court			
2	Josh Farmer	50%	25%	35%							Orders of Protection: 50%	Bryant District Criminal Appeals 50%
3	Brent Houston	50%	25%	35%							Orders of Protection: 50%	Bryant District Criminal Appeals 50%
4	Robert Herzfeld				100%	100%				Juvenile Drug Court		
District Judge: Benton Dept.	Clay Ford											
District Judge: Bryant Dept.	Stephanie Casady											Uncontested Agency Adoptions
		100%	100%	100%	100%	100%		100%	100%	100%	100%	100%

# EXHIBIT A

## 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

## I 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 Stephanie Casady	Benton Department 22 <sup>nd</sup> Judicial District	Uncontested Agency Adoptions

## I 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.*

# EXHIBIT A

Type of Other Matters

Location

Uncontested Agency Adoptions

Bryant Department

Initiated by an adoption agency with all proper consents and notices. If the matter becomes contested at any point, including the date of hearing, it is transferred back to 4<sup>th</sup> Division.

**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 AC.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 AC.A. §16-93-307

## I Digital Audio Recording Equipment

Is digital audio recording equipment utilized to make a verbatim record of matters referred from the circuit court?

- Yes
- No



# EXHIBIT A

## I Specialty Court Dockets or Programs

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

Yes

No

The following specialty courts are conducted:

<u>Type of Specialty Court</u>	<u>Location</u>
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- 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 offunding: