

## **ADMINISTRATIVE PLAN For the Twentieth Judicial District**

The Circuit Judges in and for the Twentieth Judicial District 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 District.

### **ADMINISTRATIVE POLICY**

The Judges of the Twentieth Judicial District 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 district 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 district 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 district, 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**

- **Faulkner County**
  - 65% of all Civil cases
  - 35% of all Domestic cases
  - 50% of all Child Support Enforcement cases
  
- **Van Buren County**
  - 100 % of all Civil cases
  - 20% of all Domestic cases
  - 50% of all Probate cases
  - 100% of all Adult Protective Services cases
  - 100% of all Dependent/Neglect cases
  - 100% of all Review Hearings
  - 100% of all Termination of Parental Rights
  
- **Searcy County**
  - 70% of all Civil cases
  - 40% of all Domestic cases

50% of all Probate cases  
100% of all Adult Protective Services cases  
100% of all Dependent/Neglect cases  
100% of all Review Hearings  
100% of all Termination of Parental Rights

## **Second Division**

- **Faulkner 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 Civil Commitments
- 100% Juvenile Intake
- 100% Juvenile Contempt
- 100% Juvenile Probation Revocations
- 100% of all Teen Court and 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 2<sup>nd</sup> Division and 2<sup>nd</sup> 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. 5-26-101 et. seq. Such shall be filed in 5<sup>th</sup> division as herein provided. This shall include co-defendants and any revocations associated with the defendant.

- **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 Juvenile Civil Commitments
- 100% Juvenile Intake
- 100% Juvenile Contempt
- 100% Juvenile Probation Revocations
- 100% of all Criminal cases involving juveniles charged as adults and their Co-Defendants
- 100% of all Teen Court and Juvenile Drug Court cases

- **Searcy County**

- 30% of all Civil cases
- 100% of all Juvenile cases
- 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 Civil Commitments  
100% Juvenile Intake  
100% Juvenile Contempt  
100% Juvenile Probation Revocations  
100% of all Teen Court and Juvenile Drug Court cases  
100% of all Criminal cases involving juveniles charged as adults and their Co-Defendants

### **Third Division**

- **Faulkner County**

50% of all Criminal cases, except those cases filed alleging a violation of any offense found in A.C.A. 5-26-101 et. seq. Such shall be filed in 5<sup>th</sup> division as herein provided. This shall include co-defendants and any revocations associated with the defendant.

100% of all Faulkner County District Court Appeals

100% of all Civil Forfeitures to run with companion criminal cases

100% of all Civil Commitments

100% of all Adult Drug Court cases

100% of all conflict cases that involve Juvenile Court

35% of all Civil cases

100% of Veterans Court

### **Fourth Division**

- **Faulkner County**

50% of all Domestic cases

75% of all Probate cases

50% of all Child Support Enforcement cases

100% of all Dependent/Neglect cases

100% of all Review Hearings

100% of all Termination of Parental Rights

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 4<sup>th</sup> Division

FINS and Juvenile Delinquency cases where the family is already under the jurisdiction of 4<sup>th</sup> Division and 4<sup>th</sup> Division believes it necessary for judicial economy and the interests of the parties

- **Van Buren County**

80% 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

- **Faulkner County**
  - 100% of all Criminal Cases which allege violation of 5-26-101 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
  - 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 20<sup>th</sup> Judicial District)
  - 15% of all Domestic cases
  - 25% of all Probate cases
  - 100% of all City of Conway District Court Appeal cases
- **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 20<sup>th</sup> Judicial District)
  - 100% of all Criminal cases
  - 100 % of all Civil Forfeitures that run with companion criminal cases
  - 100% of all Civil Commitments
  - 100% of all conflict cases that involve Juvenile Court
  - 100% of Adult Drug Court cases
- **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 20<sup>th</sup> Judicial District)
  - 100% of all Criminal cases
  - 100 % of all Civil Forfeitures that run with companion criminal cases
  - 100% of all Civil Commitments
  - 100% of all conflict cases that involve Juvenile Court
  - 100% of Adult Drug Court 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 long 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. **Conflicts:** Each division shall accept transfer assignments on rotating bases from other divisions in cases where a judge has a conflict with a case. The clerk shall make adjustments in the software for the judges involved in the exchange.
- h. **Reassignment of Cases:** If any Judge who is a party to this agreement leaves the bench the most senior judge remaining shall have the option to assume the parting Judge's docket which shall occur when the Administrative Plan is revised or if there is no appointment to fill that position.
- i. 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.

SUBMITTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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

  
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SUSAN WEAVER - 1<sup>ST</sup> DIVISION

  
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TROY B. BRASWELL - 2<sup>ND</sup> DIVISION

  
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CHARLE E. CLAWSON, JR. - 3<sup>RD</sup> DIVISION

  
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DAVID M. CLARK - 4<sup>TH</sup> DIVISION

  
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H.G. FOSTER - 5<sup>TH</sup> DIVISION

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### DRUG COURT PLAN

The 20<sup>th</sup> Judicial District 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. The program is conducted in conformance with state drug court statute (A.C.A. 16-98-301 et seq.) and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. 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.

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 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.

  
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Honorable Charles E. Clawson, Jr.  
3<sup>rd</sup> Division

  
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Honorable H.G. Foster  
5<sup>th</sup> Division

## 20<sup>th</sup> Judicial District Juvenile Drug Court Program

The 20<sup>th</sup> Judicial District 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 20<sup>th</sup> 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 20<sup>th</sup> JDC program, policies, and practices are in compliance with A.C.A. § 16-98-303(a) and A.C.A. § 16-10-139(a) and all applicable laws involving the assessment of juvenile court costs and probation services fees, including A.C.A § 9-27-367. Court costs, fees, and fines and A.C.A § 16-13-326. Circuit court juvenile division funds.

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. 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.



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Honorable Troy B. Braswell, Jr.  
2<sup>nd</sup> Division

**MEMORANDUM OF UNDERSTANDING AND STATEMENT OF INTENT: Faulkner County Domestic Violence Collaborative Court Program**

In recognition of, and in response to, Domestic Violence, and the terrible effects it has on our community, the Fifth Division of the Faulkner County Circuit Court, and the First Division of Faulkner County District Court effective July 1, 2017, will establish in Faulkner County, the Faulkner County Domestic Violence Collaborative Court Program.

The purposes of the Program will be:

- i) To reduce the impact on the victims of Domestic Violence in Faulkner County,
- ii) To protect the rights of those accused of domestic violence,
- iii) To provide appropriate services to victims, and those accused of domestic violence,
- iv) To maximize the return on assets already in place by changes in procedures, and thereby increase the delivery of services with no initial additional expenditures,
- v) To increase the confidence of the community in actions of the Courts related to domestic violence by decreases in delays, increased consistency in rulings on the law and procedure, improved record keeping, and increased transparency thereby,

It is believed that these goals can be achieved by a collaborative process between the participants in the Project, and the two Courts.



Community oriented, collaborative efforts against domestic violence have been shown to be extremely effective in reducing the incidence of domestic violence. The involvement of the various stakeholders in the Project will increase access to the spectrum of resources potentially available to those involved in the system. A petitioner or a respondent in an OQP case is better served if the providers of counseling services, shelter services, medical services, and all the other participants in the Program know each other, talk to each other, and to the extent allowable by law, share relevant information. This collaboration also sends a strong message to the community that domestic violence is unacceptable.

Those who have expressed intent to participate in the Project, and who have submitted Letters of Intent, or have them in process, are:

Fifth Division Circuit Court of Faulkner County  
First Division District Court of Faulkner County  
Faulkner County Prosecuting Attorney  
Conway City Attorney  
Women's Shelter of Central Arkansas  
Faulkner County Court  
City of Conway  
Faulkner County Sheriff's Office  
Conway Police Department  
Conway Regional Medical Center (pending)  
Counseling Associates (pending)  
Conway Counseling (Pending)

The main elements of the Project will be:

1. Sharing of Criminal and Civil OOP docket sheets and information between the two participating Courts,
2. The establishment of Specialty Domestic Violence dockets in each Court and regularly scheduled days for domestic violence cases,
3. Adding a safe room (a Circuit Court Room that will not be in use on DV days) in Circuit Court where Petitioners and victims can wait separately from those accused of domestic violence,
4. Additional court room security personnel to staff the safe room,
5. Court Advocates provided by Central Arkansas Women's Shelter to accompany petitioners in OOP cases and help them find where they need to be, understand Court security procedures, and generally assist them in moving within the Court system,
6. Increased use of batterer's treatment programs and other counseling measures, as indicated by individual cases,
7. Regular staffings between the two participating Courts and other participants/stakeholders in the Program as indicated.
8. Increased provision made for communication with Spanish speaking populations,

One thing that is to be done differently by the Courts is their communication with one another. Sharing docket records will facilitate the Circuit Court, for instance, becoming aware of a possible misdemeanor criminal proceeding in District Court, allowing not only appropriate scheduling actions by the Circuit Court, but protecting the rights of any accused. This sharing will be facilitated by regular meetings between the Courts and personnel where procedures and problems can be identified and addressed.

Increased use of language resources provided through the State of Arkansas, including the possibility of interpreters, and some Spanish language forms, will facilitate the access of services by the Spanish speaking population, thereby increasing safety for a particularly "at risk" group.

Increased use and coordination of treatment programs will raise the level of offender accountability, and will reduce the incidence of repeat cases.

The institution of such "wrap around" Courts (Courts that alone, or in collaboration with others, hear ALL domestic violence related cases, Civil Orders of Protection, Violations of those Orders, both civil and criminal, Felony cases indentified by statute as relating to domestic violence, as well as misdemeanor violations of those statutes-naturally specific practices are to be observed which protect the rights of any accused convicted in District Court, who appeals their case to the Circuit Court, and there receives a trial De Novo) have been proven to reduce the incidence of domestic violence in the areas that they operate.

By our signatures below, do we make this Memorandum of Understanding and Statement of Intent,



Honorable H.G. Foster, Circuit Judge, Fifth Division



Honorable David L. Reynolds, District Judge, First Division