

2018 PLAN OF THE 2ND JUDICIAL CIRCUIT PURSUANT TO ADMINISTRATIVE ORDER No. 14

I. INTRODUCTION

The Circuit Judges of the Second Judicial Circuit of the State Arkansas, acting in compliance with Administrative Order No. 14 of the Supreme Court of Arkansas adopted April 6, 2001, as amended, hereby adopt this Plan for submission to the Supreme Court for the effective administration of justice in the 2nd Judicial Circuit of the State of Arkansas. The 2nd Judicial Circuit consists of six (6) counties and nine (9) courthouses. The six (6) counties are Clay, Craighead, Crittenden, Greene, Mississippi and Poinsett. Three of these counties have two (2) county seats: Craighead County with seats in Jonesboro and Lake City; Clay County with seats in Corning and Piggott; and Mississippi County with seats in Blytheville and Osceola.

There are currently eleven (11) Circuit Judges serving this area. The present judges of the 2nd Judicial Circuit and the division they hold are as follows:

Judge Pam Honeycutt	Division 1
Judge Richard Lusby	Division 2
Judge Brent Davis	Division 3
Judge Cindy Thyer	Division 4
Judge Ralph Wilson	Division 5
Judge Tonya Alexander	Division 6
Judge Barbara Halsey	Division 7
Judge John N. Fogleman	Division 8
Judge Melissa Richardson	Division 9
Judge Dan Ritchey	Division 10
Judge Randy Philhours	Division 11

II. ADMINISTRATIVE POLICY

The case management and administrative procedures to be used within the 2nd Judicial Circuit to administer this plan and any subsequent plan will be determined by a majority vote of the Circuit Judges of the 2nd Judicial Circuit. One of the circuit judges shall serve as the Administrative Judge (AJ). The AJ shall take any and all actions necessary to implement this plan and the administrative procedures established by the Circuit Judges of this Circuit. Judge Ralph Wilson currently

serves as AJ and will continue in that capacity **until January 31, 2019**. Thereafter, the AJ shall be selected and serve a term as provided in Section 2 of Administrative Order No. 14 as amended. This Plan, if approved by the Supreme Court, will take effect **January 1, 2018**, and be effective until replaced by any subsequently approved plan.

III. CASE ASSIGNMENT AND ALLOCATION

A) All eleven (11) circuit judges shall be assigned to the Domestic Relations and Probate Divisions.

B) **Juvenile Delinquency and FINS cases.** The Circuit Judges elected to Divisions 2, 4, 6, and 7 shall be randomly assigned 25% of the Juvenile Delinquency and FINS cases.

Dependency-Neglect Cases. The Division 4 Circuit Judge shall be randomly assigned 60% of the Craighead County Dependency-Neglect cases [which is 22% of the D-N cases in the Second Judicial Circuit]. The Division 5 Circuit Judge shall be assigned 100% of the Crittenden County Dependency-Neglect cases, 100% of the Mississippi County (Chickasawba and Osceola Districts) Dependency-Neglect cases, and 100% of the Poinsett County Dependency-Neglect cases, [which is 34% of the D-N cases in the Second Judicial Circuit]. The Division 7 Circuit Judge shall be assigned 100% of the Greene County Dependency-Neglect cases, [which is 25% of the D-N cases in the Second Judicial Circuit]. The Division 9 Circuit Judge shall be randomly assigned 40% of the Craighead County Dependency-Neglect cases and 100% of the Clay County Eastern and Western Districts) Dependency-Neglect cases, [which is 19% of the D-N cases in the Second Judicial Circuit].

C) All Eleven (11) Circuit Judges shall be randomly assigned all Criminal and Civil Division cases as described in subsection IV. **CIVIL AND CRIMINAL ASSIGNMENTS.** The Circuit Judges elected to Divisions 4, 5, 7 and 9 shall have a reduced Criminal and Civil Division caseload because of their Dependency-Neglect caseload.

D) This assignment of the respective Circuit Judges to a particular division shall not preclude any Circuit Judge from hearing any and all routine and uncontested matters irrespective of the division assignments. Motions for continuance and motions to be relieved as counsel are to be heard by the judge to whom the case is assigned.

IV. CIVIL AND CRIMINAL DIVISION ASSIGNMENTS

The Circuit Clerks of the respective counties will be responsible for the random assignment of civil, juvenile and criminal cases pursuant to this plan. Pending development of a computer program, this random assignment shall be accomplished by the clerk placing into a container eighteen (18) chips for civil division cases and twenty-four (24) chips for criminal division cases. These chips shall be marked with the appropriate division number for the respective judges who will be assigned cases within that county and for that subject matter division. There shall be an equal number of chips for each judge assigned to hear cases within that county (or district in the case of dual county seats). As each case is filed, the Clerk shall draw a chip. The case shall be assigned to the Judge whose chip is drawn. The chip shall then be placed into a second container. Once the first container's chips are entirely used, the process shall begin anew with the chips in the second container. All matters connected with a pending or supplemental proceeding shall be automatically assigned by the clerk to the Judge to whom the matter was originally assigned. In such a case, the clerk shall manually retrieve a chip for the assigned judge and transfer it to the used chip box.

In the Eastern District of Clay County, all criminal and civil cases shall be assigned to judges elected to Divisions 1 and 11. In the Western District of Clay County, all criminal and civil cases shall be assigned to judges elected to Divisions 3 and 4.

In the Western District of Craighead County, all criminal cases shall be assigned to judges elected to Divisions 1, 4, 6 and 11. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 9. All civil cases filed in this district shall be assigned to judges elected to Division 2, 8 and 9.

Because of the comparatively small caseload in the Eastern District of Craighead County and in view of speedy trial considerations and judicial efficiency, all civil and criminal cases will be assigned to a single Circuit Judge within that district. All civil and criminal cases shall be assigned to the judge elected to Division 10.

In Crittenden County, all criminal cases shall be assigned to judges elected to Divisions 8, 10 and 11. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 4. All civil cases filed in Crittenden County shall be assigned to judges elected to Divisions 1, 2 and 5.

In Greene County, all criminal cases shall be assigned to judges elected to Divisions 3, 7 and 9. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 3. All civil cases filed in Greene County shall be assigned to judges elected Divisions 2 and 9.

In Poinsett County, all criminal cases shall be assigned to judges elected to Divisions 1, 7 and 8. All civil cases filed in Poinsett County shall be assigned to judges elected to Divisions 7 and 10.

In the Chickasawba District of Mississippi County, all criminal cases shall be assigned to judges elected to Divisions 3, 4, and 5. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 5. All civil cases filed in the Chickasawba District of Mississippi County shall be assigned to judges elected to Divisions 2 and 6.

In the Osceola District of Mississippi County, all criminal cases shall be assigned to judges elected to Divisions 5 and 10. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 5. All civil cases filed in the Osceola District of Mississippi County shall be assigned to judges elected to Divisions 4 and 6.

In regard to Drug Court, if there is an alleged failure to successfully complete Drug Court the case will be transferred to the originally assigned judge for sentencing.

V. DOMESTIC RELATIONS AND PROBATE DIVISION ASSIGNMENTS

For the purposes of this plan, "Domestic Relations" shall mean cases relating to divorce, annulment, separate maintenance, child custody, visitation, child support, paternity and domestic abuse. "Probate" means cases relating to decedent's estates, trust administration, adoption, guardianship, conservatorship, commitment, change of name and adult protective custody. All cases filed in the Domestic Relations and Probate Divisions of the Circuit Court of the various counties within the 2nd Judicial District shall be assigned to the Judges elected to all Divisions. Case assignment in the Domestic Relations and Probate Divisions shall be randomly done and assigned in the following percentages:

- Division 1 – 9.50%
- Division 2 - 11.50%
- Division 3 – 13.30%
- Division 4 - 3.60%
- Division 5 – 11.80%
- Division 6 – 10.00%
- Division 7 – 3.40%
- Division 8 – 8.80%
- Division 9 – 10.30%
- Division 10 – 10.60%
- Division 11 – 7.20%

The Clerks of the Circuit Court shall, on a monthly basis, prepare and forward to a trial court administrator designated for that purpose, a list of cases filed complete with the case numbers assigned and the name and address of the attorneys and/or pro se litigants filing any pleading in such case, if known. Case assignment is to be made by the Clerks of the Court on a random basis. The initial temporary hearing may be heard by any Circuit Judge at a regularly scheduled Domestic Relations/Probate Chambers Day. Thereafter, all communication regarding such case shall be forwarded to the judge to whom the case is assigned, or to his/her trial court administrator as may be needed or necessary. All matters connected with a pending proceeding shall be heard by the judge to whom the matter is assigned. Following an adjudication on the merits, if a subsequent proceeding to re-open a case is filed, case assignment is to be made by the Clerks of the court on a random basis. [*Amendment approved by Supreme Court, March 10, 2016.*]

VI. CASELOAD ESTIMATES

The judges of the 2nd Judicial Circuit, in developing this plan, relied on caseload statistics prepared by the AOC for the calendar year **2012-2015**. The Judges elected to all divisions would have a caseload of approximately **2125** cases per judge based on our circuit's approved weighted cases in dependency-neglect, domestic relations/probate and criminal divisions. In the event this assignment system results in a workload imbalance which adversely affects the judge or the judicial circuit, the AJ shall take steps to correct this imbalance by proposing an amended plan to correct any problem.

VII. OTHER PROVISIONS

A. Recusals. Consistent with the requirements of Administrative Order No. 1 and No. 16, the Circuit Judges for the Second Judicial District provide the following process for the handling of recusals, the reassignment of a case, and requests for the assignment of a judge by the Supreme Court.

A judge recusing or the trial court administrator on behalf of the judge recusing from a case shall notify in writing (including electronic mail) the Circuit Clerk and Administrative Judge. The Clerk shall then draw another chip to reassign that case to another judge. If that judge shall then recuse, he or she shall notify in writing the Circuit Clerk and Administrative Judge. The Clerk shall then draw another chip to reassign that case to another judge. If that judge also recuses

and if the Clerk depletes chips for that subject matter division, the Clerk shall notify in writing the Administrative Judge who shall notify all other judges (from other subject matter divisions and geographic assignments) to request a judge without a conflict or recusal issue to preside over that case. The Administrative Judge will then reassign that case to another judge within the Second Judicial District. If all judges in the Second Judicial District recuse, the Administrative Judge shall write a letter to the Chief Justice requesting that an assignment be made in compliance with Administrative Order No. 16.

B. Specialty Dockets or Programs.

1. Craighead County Drug Court, Judge Melissa Richardson presiding.

a. Defendants, by plea bargain, who qualify, plead guilty to charges and are transferred into drug court for “last chance” of rehabilitation and avoidance of long term incarceration. The program lasts 16-24 months and participants pay for treatment, fees, etc., as they go. (Five phases must be completed in order to graduate and be entitled to dismissal of charges.) Those who are unsuccessful are sentenced out to CCC or ADC. In order to graduate, they must have maintained, immediately prior to graduation, at least 6 months sobriety/clean time and completed GED, been regularly employed, and completed a community service project.

b. Established pursuant to the Drug Court Act, Arkansas Code Annotated Sections 16-98-301—307.

c. Certification of full compliance with laws regarding sentencing, fines, sanctions, court costs and probation assessments, as well as drug court treatment fees.

d. Court is conducted on Tuesdays at 8:30 a.m. Court resources are fully utilized: Craighead Courthouse Annex Courtroom used; prosecutors/defense attorneys/public defenders attend sessions where dispositive action occurs—sentencing out, primarily, but other occasions as well.

e. There is no charge for courtroom or services of prosecutors or defense attorneys.

2. Crittenden County Drug Court, Judge Cindy Thyer presiding.

a. Defendants, by plea agreement, who qualify, plead guilty to charges and are transferred into drug court for "last chance" of rehabilitation and avoidance of long term incarceration. Program last 16-24 months and participants pay for treatment, fees, etc., as they go. (5 phases must be completed in order to graduate and be entitled to dismissal of charges). Those who are unsuccessful in our drug court are sentenced to ADC. CCC is used as a sanction within the program along with other sanctions contained in our drug court handbook such as jail time, community service work. Rehabilitation is also required when needed as determined by the mental health assessments conducted and also based upon the history of the violations of the program. In order to graduate, each participant must have completed all of the phases of the program including obtaining GED, regular employment or in school, and maintaining a lengthy period of sobriety.

b. Established pursuant to the Drug Court Act, Arkansas Code Annotated Sections 16-98-301--307.

c. We are in full compliance with laws regarding sentencing, fines, sanctions, court costs and probation assessment - as well as drug court treatment fees.

d. Court is designed to be held weekly but may occur less frequently if other court assignments conflict. It is the goal to hold drug court no less than twice each month. Court resources are fully utilized: Crittenden Count Circuit Courtroom is used; a deputy prosecutor and public defender attend all staffings and all sessions where sentencing occurs.

e. No charge to court for courtroom or for services of prosecutors or defense attorneys.

f. This court may also sentence participants to either RCF or ADC but also reserves the right to use RCF as a sanction without dismissal from the program.

3. Greene County Drug Court, Judge Brent Davis presiding.

a. Defendants, by plea agreement, who qualify, plead guilty to charges and are transferred into drug court for "last chance" rehabilitation and avoidance of long term incarceration. The program lasts 16-24 months and participants pay for treatment, fees, etc. as they go. (Five phases must be completed in order to

graduate and be entitled to dismissal of charges.) Those who are unsuccessful are sentenced out to CCC or ADC. In order to graduate, one must have maintained, immediately prior to graduation, at least 5 months sobriety/clean time and completed GED, been regularly employed or in school, and completed community service project.

b. Established pursuant to The Drug Court Act, Arkansas Code Annotated Section 16-98-301—307.

c. Certification of full compliance with laws regarding sentencing, fines, sanctions, court costs and probation assessments, as well as drug court treatment fees.

d. Court is conducted after hours (5:30-7:00pm). Court resources are fully utilized: Greene County Circuit Courtroom is used; prosecutors/defense attorneys/public defenders attend sessions where dispositive action occurs—sentencing out, primarily, but other occasions as well.

e. There is no charge for courtroom or services of prosecutors or defense attorneys.

4. Mississippi County Drug Court, Judge Ralph Wilson presiding.

a. Defendants, by plea bargain, who qualify, plead guilty to charges and are transferred into drug court for “last chance” of rehabilitation and avoidance of long term incarceration. The program lasts 16-24 months and participants pay for treatment, fees, etc., as they go. (Five phases must be completed in order to graduate and be entitled to dismissal of charges.) Those who are unsuccessful are sentenced out to CCC or ADC. In order to graduate, they must have maintained, immediately prior to graduation, at least 6 months sobriety/clean time and completed GED, been regularly employed, and completed a community service project.

b. Established pursuant to the Drug Court Act, Arkansas Code Annotated Sections 16-98-301—307.

c. Certification of full compliance with laws regarding sentencing, fines, sanctions, court costs and probation assessments, as well as drug court treatment fees.

d. Court is conducted after hours (6:00-7:00pm). Court resources are fully utilized: Mississippi County Detention Center Courtroom used; prosecutors/defense attorneys/public defenders attend sessions where dispositive action occurs—sentencing out, primarily, but other occasions as well.

e. There is no charge for courtroom or services of prosecutors or defense attorneys.

5. Craighead and Crittenden Counties Mental Health Court, Judge Tonya Alexander presiding.

a. The process begins with a referral to one of the members of our mental health team. These referrals might come from defense attorneys, law enforcement officers or prosecutors. If it is determined that the person has a mental illness that is treatable, and it is determined that the accused is competent to enter a plea, he/she will enter a plea in district court in the case of misdemeanors, or circuit court in the case of felonies. Typically, participants have a history of mental illness and a history of involvement with the criminal justice system. Upon the entry of the plea, treatment begins immediately. There are intensive and daily group and individual counseling sessions. The participants must meet with their probation officers and submit to drug screening as well. They must remain compliant with doctor's orders as to prescribed medications. The team members assist with arranging benefits, acquiring housing, budgeting, etc. The program is for at least one year. It could be longer depending on the nature of the offense and the progress of the participant. There are four (4) phases that must be completed before the person is eligible for graduation. They must remain drug free and alcohol free, pay on fines and costs (unless they have been waived), complete any court-ordered community service, keep a curfew and call in every night to a designated team member. Those who decide not to complete the program, or who are removed because of serious or repeated violations will be sentenced. In misdemeanor cases, they might be sentenced to jail, probation or suspended imposition of sentence, usually with the requirement to continue out-patient treatment for the period of probation or suspension. In felony cases, the matter is placed on the court's docket for a sentencing hearing. The defendant might be sent to the Community Correction Center, or the Arkansas Department of Correction, or might be placed on probation or suspended imposition of sentence.

b. I find the statutory authority for this program at Arkansas Code Annotated Sections 5-4-303(a), (c) (4), (c) (5), (c) (10), and (d).

c. I certify that the program conforms to all applicable sentencing laws, including fines, court costs, and probation assessments to the very best of my knowledge and belief.

d. We have staffing sessions at 8:00 a.m. on Wednesdays in Marion in the small ("Chancery") courtroom and on Thursdays in Jonesboro in the Jonesboro District Courtroom. These are held with the team members present, which might consist of the mental health counselors, a prosecutor, a public defender, and a probation officer, and of course the circuit judge. In Jonesboro, the Clerk is usually present as well. We discuss the progress of the participants, whether the court needs to address any infractions of the rules, or to give reminders as to what the rules require of them. We also discuss other referrals. Court begins at 8:30 a.m. immediately following staffing.

e. The program was initially funded by a grant from the Department of Justice, which has now expired. We proceed now with the resources available to us.

6. Craighead County Juvenile Division Drug Court, Judge Richard Lusby presiding.

a. Juveniles charged with delinquency or who are members of a Family in Need of Services (FINS), by plea bargain, who qualify, plead guilty to delinquency charges or admit to FINS are transferred into juvenile drug court after being screened by the drug court treatment counselor. Program lasts approximately 12 months and participants pay for fees, etc. as they go. (4 phases must be completed in order to graduate and be entitled to release from the program) Those who are unsuccessful are transferred back to regular juvenile probation or FINS supervision. In order to graduate a participant must have maintained, immediately prior to graduation, at least 6 mos. sobriety/clean time and be recommended by the drug court treatment team.

b. Craighead County Juvenile Drug Court was established pursuant to The Drug Court Act (ACA 16-98-301-307).

c. Certification of Full compliance with laws re: sentencing, fines, sanctions, court costs and probation assessments-as well as drug court treatment

fees. Participants are provided with intensive outpatient supervision. Referrals are made as necessary for short term and long term facilities for drug treatment.

d. Court is conducted after regular juvenile court one day a month on Wednesday. Court resources are fully utilized: Circuit Court courtroom used; prosecutors/defense attorneys/public defenders attend sessions where dispositive action occurs-sentencing out, primarily, but other occasions as well.

e. No charge to court for courtroom or for services of prosecutors or defense attorneys.

C. State District Court Judges.

State District Court Judges in the Second Circuit preside over selected circuit court matters pursuant to the provisions of Administrative Order No. 18.

1. The cases or matters included in State District Court Judges' concurrent jurisdiction fall under the "Other Matters" section of Administrative Order No. 18, 6(b)(4): matters of an emergency or uncontested nature pending in the civil, domestic relations, or probate divisions of circuit court (including but not limited to *ex parte* emergency involuntary commitments, uncontested decedent estate administration, uncontested divorces, and defaults) within the territorial/geographic jurisdiction of the state district courts in their respective counties or judicial district of a county.

2. The participating judges are Judges David Boling and Tom Fowler in Craighead County; Judge Fred Thorne in Crittenden County; Judge Dan Stidham in Greene County; Judge Shannon Langston in the Chickasawba District of Mississippi County; Judge Donald Betterton in the Osceola District of Mississippi County; and Judge Ron Hunter of Poinsett County. These judges do not have specific circuit court cases assigned or allocated to them under this Plan.

3. There is a Sobriety Court in Craighead County State District Court.

4. Judge Fowler is developing a Domestic Violence Court in Craighead County to oversee domestic assault, domestic battery and other domestic related misdemeanor charges.

VIII. CONCLUSION

The 2nd Judicial Circuit consists of six (6) counties and nine (9) courthouses. It includes the larger cities of Jonesboro, West Memphis, Blytheville and Paragould.

This district has approximately 250 attorneys living in this judicial circuit who practice in its courts. Prior to the legislature authorizing an eleventh circuit judge effective July 1, 2007, this judicial circuit had one of the heaviest caseloads per judge in the State. The Judges of the 2nd Judicial Circuit submit that this plan provides an efficient method for the administration of justice in the 2nd Judicial Circuit, taking into consideration the size of this judicial district, the number of courthouses, speedy trial considerations in criminal cases, the need to provide numerous opportunities in each county for judges assigned to hear civil cases in that courthouse and Administrative Order No. 14 as amended.

Dated this 15th day of May, 2017.

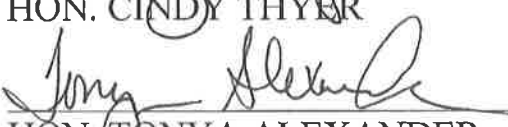

HON. RALPH WILSON


HON. PAM HONEYCUTT


HON. RICHARD LUSBY


HON. BRENT DAVIS


HON. CINDY THYER



HON. TONYA ALEXANDER


HON. BARBARA HALSEY


HON. JOHN FOGLEMAN


HON. MELISSA RICHARDSON


HON. DAN RITCHEY


HON. RANDY PHILHOURS