

**IN THE CIRCUIT COURTS OF THE
TENTH JUDICIAL DISTRICT OF ARKANSAS**

**ADMINISTRATIVE PLAN TO BECOME
EFFECTIVE JANUARY 1, 2018**

I. INTRODUCTION

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the undersigned Circuit Judges of the Tenth Judicial Circuit of Arkansas propose this amended administrative plan for submission to the Supreme Court for the purpose of judicial administration, designation of divisions, and management of caseloads of the divisions effective immediately.

This proposal creates a substantially equal assignment of cases among the circuit judges in accordance with the weighted caseload system presently utilized by the Administrative Office of the Courts.

The Tenth Judicial Circuit consists of five (5) counties, Ashley, Bradley, Chicot, Desha and Drew, and five (5) judges. The current judges and their assigned divisions are as follows:

Judge Sam Pope	Division One
Judge Kenneth Johnson	Division Two
Judge Robert Bynum Gibson, Jr.	Division Three
Judge Steve Porch	Division Four
Judge Teresa French	Division Five

II. ADMINISTRATIVE PLAN

The undersigned Circuit Judges of the Tenth Judicial Circuit submit this proposal as the amended administrative plan for circuit court administration to the Supreme Court for its

approval. This Order is approved and agreed to by the undersigned judges and complies with Administrative Order Number 14.

A. Administrative Policy

The circuit judges will meet when needed for the purpose of administering this administrative order. The Administrative Judge shall call such meetings as and when necessary to carry out this plan and Administrative Order Number 14.

III. **DIVISIONS**

Each of the five (5) Circuit Judges of the Tenth Judicial Circuit shall at all times have the authority to hear all matters within the jurisdiction of the circuit court.

There is established in the Tenth Judicial Circuit, five (5) subject matter divisions in each county of the judicial circuit. They are as follows: criminal, civil, juvenile, probate, and domestic relations. The designation of divisions is for the purpose of judicial administration and caseload management and is not for the purpose of subject matter jurisdiction. The creation of divisions shall in no way limit the powers and duties of the judges as circuit judges.

For the purpose of this Order:

1. "Criminal" means cases relating to all matters involving the Arkansas Criminal Code except juvenile delinquency matters.
2. "Civil" means cases relating to all other matters not relating to Probate, Domestic Relations, Juvenile, or Criminal.

3. "Juvenile" means cases relating to families in need of supervision, dependency and neglect, paternity and delinquency.
4. "Probate" means case relating to decedent estates, trust administration, adoption, guardianship, conservatorship, commitment, and adult protective custody.
5. "Domestic Relations" means case relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse.

The above definitions of "Probate" and "Domestic Relations" are not intended to restrict the juvenile division of circuit court from hearing adoption, guardianship, support, custody, paternity, or commitment issues which may arise in juvenile proceedings.

IV. CASE ASSIGNMENT AND ALLOCATION

- A. Except for good cause to the contrary, the case assignment and allocation of cases shall be a substantially equal apportionment among the judges.
- B. Assignment of criminal cases

As in the current plan, all criminal cases in the District will be assigned by random selection as follows:

Division 1 – Fifty percent (50%) of cases in the entire District.

Division 3 – Fifty percent (50%) of all cases in Ashley and Drew.

Division 4 – Fifty percent (50%) of all cases in Bradley, Chicot and Desha counties.

All civil forfeitures will be assigned to the Division assigned the related criminal case.

Drug Court – Effective January, 2004, a Drug Pilot Court Discretionary Grant Program was recognized and is being operated in Drew County, Arkansas. Under present policy, offenders from other counties in the District can be referred there if they otherwise meet acceptance criteria, particularly ability and means to travel. Drug Court shall be presided over weekly, or as otherwise scheduled, by the judges of Division One and Division Three, alternating every two (2) weeks or as otherwise agreed. This program primarily utilizes a post-adjudication process and is open to first time offenders who are recommended by the prosecutor. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program receives staff funding from the Department of Community Corrections. The members of the drug court program include the prosecuting attorney, public defender/defense counsel, treatment professionals, and staff from the Department of Community Corrections.

Juvenile Drug Court is assigned to Division Five – A Juvenile Drug Court is recognized and is being operated in Ashley County, Arkansas and presided over by Division Five. This court was originally started in January, 2010 and was then funded by tobacco settlement funds but is now funded through Medicaid and Act 1308 funds. The Prosecutor, the Public Defender as well as school counselors, treatment professionals, and staff from the community provider, Phoenix Youth & Family Services, are part of the Juvenile Drug Court Team. The Drug Court Probation Officer, a state employee, is also a

part of the team. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program utilizes a post-adjudication process and is open to non-violent offenders. The Drug Court meets twice a month.

Swift and Certain Accountability Probation Pilot Program are assigned to Division Four. In 2001, the Arkansas Legislature provided for the establishment of five pilot programs known as Swift Courts. The pilots are modeled after the successful Hawaiian Hope Program and are designed to reduce recidivism among high risk probations by requiring swift, certain and graduated sanctions on a small number of easily verifiable behaviors to ensure compliance. The Swift Court in Desha County started in July 2012. The plan provides for a capacity of 20-25 probationers. Upon reaching its target capacity and stabilized procedures, the plan provides for the start of a Swift Court in Chicot County. Eligibility is based on a validated risk/need assessment designed to determine a high risk of re-offending and/or a high risk of failing traditional probation. No offense or conviction, previous or current, shall cause an offender to be determined ineligible for Swift Court as long as the offender is eligible for probation and lives in the Desha or Chicot County area. Division Four presides over Swift Court. Members of the program include the prosecutor, public defender/defense counsel, Department of Community

Corrections Probation Officer and the Sheriff's Office for the respective county.

C. Assignment of Juvenile cases.

All juvenile cases are assigned to Division Five.

D. Assignment of child support enforcement cases

Effective immediately, all domestic relations cases in the district involving establishment of paternity or enforcement of a child support obligation by the Office of Child Support Enforcement Unit of the Department of Human Services shall be assigned as follows:

Ashley	Division 3
Bradley	Division 1
Chicot	Division 4
Desha	Division 4
Drew	District Judge Bruce Anderson

E. Assignment of civil cases

Effective immediately, all civil cases will be assigned by random selection as follows:

Division 1 – Thirty (30%) in Ashley County.

Division 2 – Forty percent (40%) of cases in Bradley County.

Division 3 – Seventy percent (70%) of cases in Ashley and Chicot Counties and sixty percent (60%) Bradley, Desha, and Drew Counties.

Division 4 – Forty percent (40%) in Desha and Drew Counties and thirty (30%) in Chicot County.

However, for purposes of judicial economy and the effective use of the personnel resources in the prosecuting attorney's and public defender's offices, civil drug forfeiture cases shall be assigned to the criminal division judge presiding over any associated criminal charges, if

any exist. Such assignment shall be done by the Circuit clerk, if they can identify the associated case, or administratively by the Trial Court Assistants.

F. Assignment of domestic relations cases

All domestic relations cases will remain assigned to Division 2 unless otherwise specifically provided for herein. This includes private paternity cases when neither of the parties is represented by the Child Support Enforcement Unit of the Arkansas Department of Human Services.

G. Assignment of probate cases

Division Two – fifty percent (50%) in the District.

Division Three – fifty percent (50%) in Ashley County.

Division Four – fifty percent (50%) in Bradley, Chicot, Desha and Drew Counties.

Pursuant to Administrative Order Number 14 as amended, “random selection” means that cases assigned to a particular subject matter division shall be randomly distributed among the judges assigned to hear those types of cases.

H. Pending or supplemental proceedings filed after January 1, 2011

Effective January 1, 2011, all matters connected with a pending or supplemental proceeding, including any case subject to re-opening for any reason such as contempt or Motion to Modify, as well as cases previously nonsuited shall be automatically assigned by the clerk in accordance with the assignment schedule set out herein.

I. Cases closed prior to December 31, 2007, and re-opened after January 1, 2011

Effective January 1, 2011, any supplemental proceedings filed in cases closed prior to December 31, 2007, shall be assigned in the same manner as new cases according to the random selection procedure based upon the particular division in which the case fits.

J. Recusals

The procedures outlined in Supreme Court Administrative Order Number 14 will be followed in the event of recusal from a pending case by a presiding judge. Should a judge recuse, the case shall be assigned to the other judge who is hearing that type case in that county under this plan. If both judges recuse, then the Clerk shall assign the case to one of the three remaining judges by random selection. If all judges recuse, the Administrative Judge shall notify the Chief Justice of the recusals with a letter containing the written recusals of each of the five (5) judges and request the assignment of another judge.

K. General chamber day

Any attorney or pro se litigant having an uncontested matter to be presented in the Tenth Judicial Circuit is notified that the circuit judges who handle cases in the District publish a yearly calendar. Those calendars are available in each of the circuit clerk's offices or from the individual judges' office. Those calendars normally include days allotted to hearing pre-trial motions, pleas and arraignments, omnibus hearings, and other matters. Uncontested matters may be placed on these dockets by calling the Trial Court Assistant of the judge scheduled for the particular county as revealed in the calendar.

V. SUPREME COURT

This amended administrative plan will be submitted to the Arkansas Supreme Court for its approval. Thereafter, a plan will be submitted to the Supreme Court as directed, if necessary. This plan may only be further amended if approved by the Supreme Court. Upon approval by the Supreme Court, the amended plan shall be filed with the Clerk of the Circuit Court in each of the five (5) counties of the Tenth Judicial Circuit and filed with the Clerk of the Supreme Court. In the event, the approved plan is not being followed; a judge should first bring the matter to the attention of the circuit judges for resolution. In the event the complaining judge deems the resolution of the circuit judges, as a voting body, does not resolve the issue, the complaining judge may bring the matter to the attention of the Chief Justice of the Arkansas Supreme Court by setting out in writing the nature of the problem. Upon receipt of a complaint, the Supreme Court may cause an investigation to be undertaken by appropriate personnel and will take other action as may be necessary to insure the efficient operation of the courts and the expeditious dispatch of litigation in the Tenth Judicial Circuit.

VI. TRANSITION

No change in divisions of circuit court will be effective as of now.

VII. ASSIGNMENT TO DISTRICT JUDGES IN THE COUNTY OR COUNTIES IN WHICH THEY WERE ELECTED.

Tenth District has elected three District Judges. They are District Judge Bruce Anderson; Bradley and Drew Counties, District Judge Reid Harrod; Ashley County, and District Judge Melinda French; Chicot and Desha Counties.

With the exception of first appearances and waiver of extradition when the responsibility is shared among Circuit and District Judges, a District Judge is assigned and shall have primary responsibility to preside over the following cases including scheduling and related administrative duties within their particular counties. Following completion of the first appearance paperwork, that paperwork shall be forwarded to the circuit clerk, the prosecuting attorney, defense attorney, if any, and the circuit judges sharing the criminal docket for that county.

1. Pro se uncontested divorces;
2. Forcible Entry and Detainers and Unlawful Detainer;
3. Arrest warrants pursuant to Rule 13.1;
4. Arrest warrants pursuant to Rule 7.1;
5. Orders of Protection. However, in Desha and Chicot Counties the Clerks shall assign the orders of protection to Division Five (Judge Teresa French) instead of District Judge Melinda French.
6. Civil, domestic relations and probate cases upon the consent of all parties pursuant to Administrative Order No. 18(d);
7. Criminal case first appearances pursuant to Rule 8.1 through 8.4; and initial bond hearings, including waiver of extradition.
8. Petitions for mental or drug and alcohol commitments are assigned to Division Five (Judge Teresa French). This formalizes the current informal practice of Division Five handling those cases. However, should Circuit Judge Teresa

French be unavailable, then the district judge for that county shall handle that proceeding. If that judge is unavailable, then any circuit judge in the Tenth District may handle the commitment proceeding.

In each case of referral, the matters referred shall be subject to the superintending control of the Administrative Judge of the 10th Judicial District.

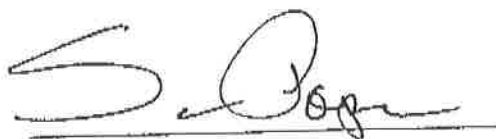
FURTHER, pursuant to Administrative Order 4 and the Administrative Office of the Courts Provisional Guidelines for digital audio records in State District Courts all the State District Courts of the Judicial Circuit have and will utilize the equipment, software and operational abilities necessary to comply with the regulations and expectations of Order 4.

VIII. ADMINISTRATIVE JUDGE

Bynum Gibson was elected administrative effective immediately at a meeting on January 6, 2017, and will continue to serve until his term expires. At the called meeting on June 26, 2017, all circuit judges were in attendance and approved this plan. All district judges also attended and indicated no objection. Administrative Judge Bynum Gibson is forwarding this Plan today to all the circuit judges for their signature.

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Honorable Sam Pope
Division 1

Hon. Kenneth Johnson
Division 2

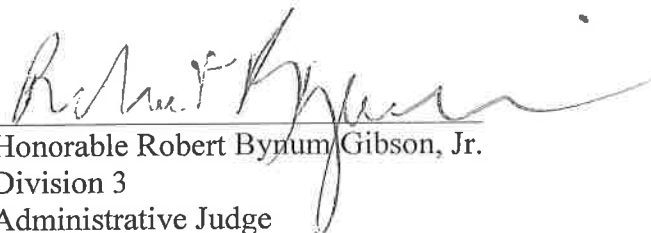
Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge

Honorable Steve Porch
Division 4

Honorable Teresa French
Division 5

Administrative Plan to Become Effective January 1, 2018.

Honorable Sam Pope
Division 1



Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge

Hon. Kenneth Johnson
Division 2

Honorable Steve Porch
Division 4

Honorable Teresa French
Division 5

Administrative Plan to Become Effective January 1, 2018.

Honorable Sam Pope
Division 1

Hon. Kenneth Johnson
Division 2

Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge

Honorable Steve Porch
Division 4



Honorable Teresa French
Division 5

Due to the District Judges signatures not be required on our plan I feel that I need to point out that at the meeting June 26, 2017, District Judge Melinda French (Desha and Chicot County) did object to additional duties being assigned to her at this time. She explained that she was a new District Judge and had five courts with five new clerks. She further stated that three of her courts had no funds from which to purchase recording equipment and she did not see how she could raise the funds by January 1, 2018 in that she had other purchases that were needed; such as computers and internet; just to be able to operate her court efficiently. Therefore I am approving this plan with all judges being reminded of her concerns that she expressed and that she may not be able to handle additional duties assigned to her under this plan that will require digital audio recording equipment to comply with Administrative Order 4.

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Administrative Plan to Become Effective January 1, 2018.

Honorable Sam Pope
Division 1


Hon. Kenneth Johnson
Division 2

Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge

Honorable Steve Porch
Division 4

Honorable Teresa French
Division 5


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Administrative Plan to Become Effective January 1, 2018.

Honorable Sam Pope
Division 1

Hon. Kenneth Johnson
Division 2

Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge



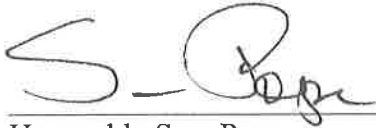
Honorable Steve Porch
Division 4

Honorable Teresa French
Division 5

1

Amendment to 10th Judicial District Case Assignment Plan

10th Judicial case assignment plan is amended to provide that Division 5 [Judge French] will not be assigned any civil cases, and therefore will not be included in the draw should any other judge or judges recuse. (See attached letter from Judge French)



Honorable Sam Pope
Division 1



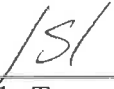
Hon. Kenneth Johnson
Division 2



Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge



Honorable Steve Porch
Division 4



Honorable Teresa French
Division 5

#2

2nd Amendment to the 10th Judicial District 2018 Case Assignment Plan

The 10th Judicial case assignment plan is amended to give Division 3 ninety percent (90%) of the civil cases in Ashley County and Division 1 ten percent (10%) of the civil cases in Ashley County



Honorable Sam Pope
Division 1



Hon. Kenneth Johnson
Division 2



Honorable Robert Bynum Gibson, Jr.
Division 3
Administrative Judge



Honorable Steve Porch
Division 4



Honorable Teresa French
Division 5