

2019 PLAN OF THE THIRD JUDICIAL CIRCUIT PURSUANT TO ADMINISTRATIVE ORDER No. 14

The Third Judicial Circuit of Arkansas encompasses Jackson, Lawrence, Randolph, and Sharp Counties. The circuit is located in rural North Central and North East Arkansas. There are currently three circuit judges who serve the Third Judicial District.

The judge of Division 1 is Harold S. Erwin, who resides and has his office located in Newport, Jackson County, Arkansas. The judge of Division 2 is Michelle Huff, who resides in Evening Shade, Arkansas, and has her office located in Ash Flat, Sharp County, Arkansas. The judge of Division 3 is Tom Garner who resides and has his office located in Ash Flat, Sharp County, Arkansas.

This administrative plan shall be in effective from July 1, 2019, or upon approval by the Supreme Court, and shall remain in effect until approval of a subsequent plan by the Supreme Court.

Division 1 judge will be assigned to all criminal cases, and all civil cases with the exception of mortgage foreclosures and real property cases. Division 1 will be assigned condemnation/eminent domain, landlord/tenant unlawful detainer and other landlord/tenant matters. Division 1 shall also be assigned all Jackson County Drug Court cases, and all post conviction criminal cases .

Division 2 judge will be assigned all domestic relations cases, adoption cases not involving the Department of Human Services, guardianship of adults and juveniles not involving the Department of Human Services, and will be assigned Drug Court cases for Lawrence and Randolph Counties. Additionally, Division 2 will be assigned all mortgage foreclosure cases.

Division 3 judge will be assigned all juvenile cases, child support cases, Department of Human Services, all probate cases excluding adoption (not involving DHS), and excluding guardianship of adults and juveniles (not involving DHS), all cases involving Orders of Protection, and shall also be assigned all real property cases, excluding mortgage foreclosure, landlord/tenant, unlawful detainer, and condemnation/eminent domain cases.

All circuit judges in the Third District will hear involuntary commitment cases (alcoholic commitment, civil commitment, and narcotic commitment). These cases will be brought before the judge most convenient to the county wherein the matter should be heard.

If the Division 3 judge is not available to approve or deny petitions for ex-parte orders or protection, Divisions 1 and 2 will hear such orders on an emergency basis.

Cases may be transferred between circuit court divisions by agreement of the judges, in which the judge of the originating division shall issue an order transferring the case to the other division prior to adjudication. Transfer orders shall not be required for uncontested matters, criminal pleas, domestic abuse hearings, or involuntary commitment hearings.

The judges of the circuit shall meet at the end of each calendar year to determine whether any adjustment in caseload assignments between or among circuit court divisions or subject matter division are necessary to maintain a proper balance of caseloads and to otherwise conform to the orders and directive of the Supreme Court of Arkansas.

Any judge recusing in a case shall confer with any or all other judges in the Circuit regarding the transfer of the case to another judge, and the recusing judge may by agreement transfer the case to any other judge in the Circuit for adjudication. If all the judges of the Circuit recuse or decline to accept transfer of a case, the original recusing judge shall request assignment of a trial judge pursuant to Supreme Court Administrative Order No. 16.

Drug Courts are operated in Jackson, Lawrence, and Randolph counties. All three are post-adjudication programs and are open to defendants with pending non-violent convictions. The Jackson County Drug Court is funded entirely by the State of Arkansas and is a 24 month program. The Lawrence County Drug Court and the Randolph County Drug Court are funded by the State of Arkansas and by collection of defendants' assessed fees and court costs. The Lawrence County and Randolph County Drug Court are 24 to 36 month programs. Drug Court team members in each court consists of (1) the presiding judge, (2) the prosecuting attorney or designee, (3) the public defender, (4) the ACC probation officer, (5) the ACC substance abuse advisor, (6) the ACC administrative assistant, (7) the County Sheriff or his designee, and (8) the local Chief of Police or his designee.

The Circuit Judges of the Third Judicial Circuit hereby certify that these specialty courts are operated in compliance with Arkansas statutes governing drug court programs, Arkansas sentencing laws and guidelines, and Arkansas statutes and rules regulate assessments and collection court costs, fines, and probations assessments.

No State District Courts currently operate within the Third Judicial Circuit. Local District Courts with county-wide jurisdiction are established and operate in each of the four counties of the judicial circuit. Each local District Court has a single District Judge operating from a single venue in their respective counties. No specialty courts are operated by any local District Court in the Third Judicial Circuit.

The circuit judges of the Third Judicial Circuit are mindful of the announcement of the Supreme Court that it is the Court's belief that rotation of judges in those instances where judges are exclusively assigned to criminal or juvenile cases may be desirable and that the possibility of "burn-out", as well as a desire to diversify, are factors worthy of consideration. We are in agreement with the Supreme Court's opinion and announce that the judges of the Third Judicial Circuit will give consideration to rotating the types of cases heard by each division at least every two years as we aspire to achieve the most efficient administration of justice possible.

Therefore, the Circuit Judges of the Third Judicial Circuit respectfully submit this plan for judicial caseload allocation for the consideration and approval of the Supreme Court of the State of Arkansas.



Harold S. Erwin
Circuit Judge Division 1



Michelle Huff
Circuit Judge Division 2

Tom Garner
Circuit Judge Division 3

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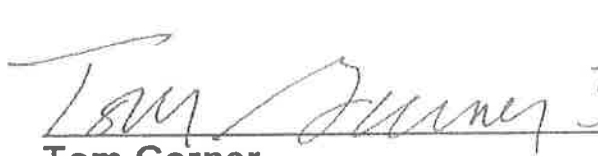
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 4/15/19

Harold S. Erwin
Circuit Judge Division 1

Michelle Huff
Circuit Judge Division 2

 3/28/19

Tom Garner
Circuit Judge Division 3