

Case Management and Administrative Procedure Plan for the
12th Judicial District

EFFECTIVE JANUARY 1, 2024

Pursuant to Administrative Order 14 this plan is submitted to the Arkansas Supreme Court by the Circuit Judges of the 12th Judicial District. At the present time there are seven (7) Circuit Judges, to wit: Stephen Tabor, Annie Powell Hendricks, Leigh T. Zuerker, Shannon Blatt, R. Gunner Delay, Dianna Hewitt Ladd, and Greg Magness.

Overview of the District

The 12th Judicial District is comprised of Sebastian County. Sebastian County has two courthouses, one in Fort Smith and one in Greenwood. The two courthouses are approximately eighteen miles apart. All the Circuit Judges have their permanent chambers in Fort Smith. The Courts Building in Fort Smith houses all seven (7) Circuit Courts, three (3) District Courts, Circuit and District Court Clerks and the Prosecuting Attorney's office. There are three (3) circuit courtrooms with jury boxes. The three (3) Circuit Judges that primarily do domestic and probate do not have jury boxes but are capable of modification if needed. The Circuit Judge that presides over juvenile matters does not have a jury box. There is one District Court Judge as well as offices for the Circuit Court Clerk and a District Court Clerk office in Greenwood. In the courthouse at Greenwood there is one large circuit courtroom with a jury box and a small courtroom with no jury box which is used on occasion if the main courtroom is in use.

CASE ASSIGNMENT AND ALLOCATION

It is the purpose of this plan to ensure that the available resources and personnel are most

efficiently utilized so that all cases which are properly filed in the Circuit Court of the 12th Judicial District are promptly heard and decided. The Circuit Judges in this district believe that the designation of certain divisions to primarily, but not exclusively, hear certain types of cases creates flexibility that will increase the efficient utilization of resources and ensure the prompt disposition of all matters that come before the court. This determination takes into consideration the specialized knowledge of the various judges, and the fact that the 12th Judicial District is a single county district. Although Sebastian County has two county seats a minimum of travel is necessary by the judges as the two county seats are located only eighteen (18) miles apart and approximately eighty percent (80%) of the cases filed in Sebastian County are filed and heard in the Fort Smith District.

The Sebastian County Circuit Clerk randomly assigns cases to the various divisions as set out below.

Division I (Judge Stephen Tabor): Fifty percent (50%) of criminal cases, including petitions to revoke, one hundred percent (100%) of drug court cases, and one hundred percent (100%) of Veterans Treatment Court cases.

Division II (Judge Annie Powell Hendricks): One-third (33 1/3%) of all domestic relations cases, one-third (33 1/3%) of all probate cases, twenty-five percent (25%) of dependency neglect cases, and one hundred percent (100%) of Mental Health Court cases.

Division III (Judge Shannon Blatt): One-third (33 1/3%) of all domestic relation cases, one-third (33 1/3%) of all probate cases, twenty-five percent (25%) of dependency neglect cases, including "Safe Babies", a program or zero to three, funded by the Arkansas Department of Human Services.

Division IV (Judge Leigh Zuerker): One hundred percent (100%) of Juvenile Delinquency cases; one hundred percent (100%) of all Family in Need of Services cases, and twenty-five percent (25%) of dependency neglect cases.

Division V (Judge R. Gunner Delay): Fifty percent (50%) of criminal cases, including petitions to revoke, and thirty percent (30%) of all civil cases.

Division VI (Judge Greg Magness): Fifty percent (50%) of all civil cases and one-third (33 1/3%) of all probate cases.

Division VII (Judge Dianna Hewitt-Ladd): Twenty percent (20%) of all civil cases, one-third (33 1/3% of all domestic relations cases, and twenty-five percent (25%) of all dependency neglect cases.

The Circuit Clerk has a separate numbering system for each division of the circuit court. The Clerk assigns cases to divisions handling the same types of cases on a random basis. Under no circumstances does the Clerk allow the numbering system to be manipulated by attorneys or other persons so that such attorneys or persons can select a certain judge to hear a particular case. Ordinarily, judges will hear only those cases assigned to them pursuant to this selection process. Should the need arise for whatever reason, each judge will accept an assignment of any type of case whether or not of the type of case normally assigned to that judge's division. Further, all judges conduct an equal number of probable cause hearings in criminal cases which are necessary to be held on weekends, and the judges who normally hear domestic relations, probate, and juvenile cases will make themselves available to sign arrest / search warrants if the judges that normally hear criminal matters are not readily available.

CASELOAD ESTIMATE

According to Bettina Toth, Data Analyst with the Arkansas Administrative Office of the Courts Sebastian County case filings in 2022 reflect there were 1808 domestic relations cases filed and 1050 probate cases. There are three judges primarily handling each of these type cases. There were 2365 criminal case filings, presided over by two judges and 1515 civil case filings with three judges assigned. There were 1284 juvenile related cases filed, dealt with primarily by one judge except for dependency neglect cases. There is an average of 102 Drug Court and 30 Veterans Treatment Court cases at any one time overseen by one judge. Mental Health Court operates at a capacity of 50 participants and is presided over by one judge. The Circuit Judges of the jurisdiction have met and all expressed satisfaction with their caseload. However, if it is later

determined that a significant imbalance exists resulting in an adverse effect the matter will be addressed by all judges.

SPECIALTY DOCKETS

DRUG COURT

A. The 12th Judicial District founded a Drug Court in 2002. Following arrest, eligible offenders are offered a choice between Drug Court and prosecution on the pending charges. If they opt for Drug Court the Defendant will enter a guilty plea to the charge(s). The case will be transferred to Drug Court and upon successful completion of the program their case will be expunged. If during their Drug Court tenure they commit enough violations they will be expelled from Drug Court, their case will be transferred back to Circuit Court Criminal division and a Petition to Revoke will be filed.

While in Drug Court participants are required to conform to Probation Office rules and other specific Drug Court related terms and conditions. The participants are under the direct supervision of a Drug Court counselor and probation officer. Supervision includes unannounced home visits and random drug testing. Throughout their participation in Drug Court participants will continue to be represented by counsel.

The participant's length in the program is determined by their progress; however, the program cannot be completed in less than eighteen (18) months.

Determination of eligibility for entry into the program is made by the Drug Court team consisting of a judge, prosecuting attorney, public defender, probation officers counselors, law enforcement representative and the Specialty Court Coordinator. The prosecuting attorney has the final approval for admission.

The program is a court-supervised comprehension treatment program for nonviolent offenders. It is voluntary and includes regular court appearances, supervision, treatment, drug testing, individual / group counseling, and substance abuse education.

B. Sebastian County Drug Court is established pursuant to the statutory authority set forth in A.C.A. S 16-98-301 through 307.

C. The program conforms to all applicable sentencing laws, including fines, fees, costs and probation assessments.

D. The Drug Court team consists of a circuit judge, deputy prosecuting attorney, public defender, probation officers, counselors, law enforcement, Specialty Court Coordinator, and her assistant.

All these individuals work on a voluntary basis. The team meets every Friday for discussion of those participants appearing in Drug Court that day.

E. At the time of plea fines, court costs, public defender fee and restitution are imposed and made a part of the judgment. During the participants' tenure they are further required to pay Drug Court and probation fees. All but the probation fees are collected by the Prosecuting Attorneys Office.

VETERANS TREATMENT COURT

In addition, the Twelfth Judicial District established a Veterans Treatment Court (VTC) in 2015. Participants in the program are identified as follows: At the time of their booking into the Sebastian County Adult Detention Center each person arrested is asked a series of questions to determine if they have served in the United States Armed Forces. Those names are forwarded to the Veterans Administration, who determines if the individual is eligible for Veterans Administration healthcare benefits. If so, the offender will be assessed for participation in the court by a Veterans Administration representative. If the veteran is not eligible for VA healthcare but otherwise eligible they will be assessed by a representative of the Western Arkansas Counseling and Guidance Center (WACGC). If appropriate for participation (non-sexual offense and has treatable conditions) those names are forwarded to the Sebastian County Prosecuting Attorney for further eligibility determination.

If the veteran offender is an appropriate candidate for VTC, they are offered a choice between VTC and prosecution on the pending charges. If they opt for VTC the defendant will enter a guilty plea to the charge, which will then be transferred to VTC. Upon successful completion of the program the charges will be dismissed, and the arrest expunged. If during their participation in VTC the defendant commits further violations they may be expelled from the court and their case remanded back to Circuit Court for filing of a Petition to Revoke.

While in VTC participants are required to conform to Probation Office rules and other specific related terms and conditions. The participants are under the direct supervision of the VTC Judge, a Probation Officer and counseling staff of the Veterans Administration or WACGC. Supervision includes unannounced home visits and random drug testing. Throughout their participation in VTC the defendants will continue to be represented by counsel. The participant's length in the program is determined by their individual progress. However, the program cannot be completed in less than eighteen (18) months.

Final determination of entry into the program is made by the Veterans Treatment Court team consisting of the presiding Judge, Deputy Prosecuting Attorney, Public Defender, Probation Office, Veterans Administration personnel, WACGC representative, Drug Court Coordinator and law enforcement representative. The Prosecuting Attorney may veto any potential candidate for admission.

The program is a court-supervised comprehensive treatment program for eligible veterans suffering from one of three conditions: (a) drug addiction, (b) post-traumatic stress disorder, (c) mental health issues other than PTSD. The program is voluntary and includes regular court appearances, supervision, treatment, drug testing, individual and group counseling sessions and substance abuse education as needed.

VTC is established under the authority of Arkansas Law and is administered in compliance with ACT 895 of 2015 as well as Administrative Orders and per curiam opinions of

the Arkansas Supreme Court related to specialty courts. The Court complies with all certification requirements established by the Specialty Court Program Advisory Committee of the Arkansas Supreme Court. In addition, the program complies with all applicable sentencing laws in its operation.

VTC is held each Friday afternoon, preceded by staffing for the cases to be heard in court that day. During a participant's tenure in VTC they are to pay court fees, ACC fees, probation fees, restitution, fines, and court costs. The program consists of four (4) phases as well as a period of aftercare.

MENTAL HEALTH COURT

Sebastian County Mental Health Court is a voluntary, pre-adjudication, highly intensive supervision program designed to address the needs of criminal defendants with mental illness or co-occurring disorders. Mental Health Court is available only to defendants meeting program eligibility requirements. The defendant must be an adult resident of Sebastian or Crawford County: must not have a previous conviction for a serious felony involving violence as defined in 5-4-501 (c)(2); must not have a previous conviction that would require registration as a sex offender: must be identified as high-risk/high-need, as determined by a validated risk need assessment: must have a mental health disorder, and must be identified as clinically appropriate for the program, as determined by a licensed therapist. Mental Health Court is a minimum of fourteen (14) months. Mental Health Court is held every Thursday of the month at 4:00 p.m., at the Sebastian County Courts Building, 901 South B. Street, Fort Smith, AR.

Sebastian County Mental Health Court was established pursuant to the Arkansas Code Annotated Sections 16-100-100-209.

The court operates in compliance with all applicable sentencing laws, including fines, fees, court costs, and probation assessments. Team members have attended training programs offered by the Administrative Office of the Courts. Sebastian County Mental Health Court was

implemented and operates in accordance with best-practice standards.

The Sebastian County Mental Health Court team includes a full-time Circuit Court Judge, a back-up Circuit Court Judge, a full-time Deputy Prosecuting Attorney, a back-up Prosecuting Attorney, a full-time Deputy Public Defender, Court Coordinator, Assistant Court Coordinator, two Probation Officers, a Law Enforcement Representative, and three Representatives from the community treatment provider, Western Arkansas Counseling and Guidance Center.

Sebastian County Mental Health Court receives support from Sebastian County, the Public Defender Commission, the Sebastian County Prosecuting Attorney's Office, the Department of Corrections, and Federal Providers.

MISDEMEANOR DRUG COURT

Sebastian County District Court has established an adult Drug Court for misdemeanor offenders. This court operates pursuant to the oversight of Sebastian County Drug Court. Details regarding the operation of this court are provided in the District Court Administrative Plan (see below):

The Court is authorized pursuant to A.C.A. §16-98-301-307 and is a voluntary, six-month, pre-adjudication, multi-phase intervention program designed to address the needs of criminal defendants with substance use disorders. The Court is available only to defendants meeting program eligibility requirements. The defendant must be an adult resident of Sebastian County; must not have a pending charge for a violent felony or a previous conviction for a violent felony; must not have a previous conviction that would require registration as a sex offender; must be identified as low-risk/low-need, as determined by a validated risk-need assessment; and must have a low-to-moderate substance use disorder. The program utilizes a pre-adjudication process and is available to defendants with misdemeanor offenses. An eligible

defendant must submit a voluntary application for admission into the program. If the defendant meets eligibility criteria and agrees to comply with the terms of the program, he/she must plead guilty to the pending offense, sentencing is then deferred, and the defendant is transferred to the Court. Plea and transfer occur with full consent of the defendant, prosecuting attorney, defense attorney, and the presiding judge. Sebastian County Misdemeanor Adult Drug Court conducts court proceedings bimonthly on Friday at 9:00 a.m. at the Sebastian County Courts Building in Fort Smith, Arkansas; 901 B Street, Fort Smith, AR 72901.

District Judge Amy Grimes presides over the Court under the auspices of Sebastian County Drug Court and presiding Circuit Judge Stephen Tabor.

STATE DISTRICT COURT JUDGES

State District Court Judges preside over certain matters on referral from the Circuit Court as described in the attached Administrative Order No. 18 Referral Form.

PLAN REVIEW

This plan shall be reviewed for adoption or revision by the circuit judges in this district in accordance with Arkansas Supreme Court Administrative Order 14. Any judge at any time may request a meeting of the judges in the district to review details of the plan's operation to address an inequity in division of labor. Changes in the plan will be made if the majority of the circuit judges in the district vote to make the suggested changes. Although changes in the plan will be made by majority vote, it is recognized by all the undersigned judges that a sincere effort should be made to keep the case load and amount of time and effort necessary to dispose of the caseloads of the various judges as equal as possible. It is further recognized that the problems of any one division should be considered a problem of all the divisions and that an effort by all judges should be made to solve any problems of any division.

DISTRICT COURT PLAN

The District Court plans for Fort Smith and Greenwood are attached, along with the completed
Circuit Court Assignment Template

June 23, 2023
Date



Stephen Tabor
Circuit Judge, Division I



Leigh T. Zuerker
Circuit Judge, Division IV



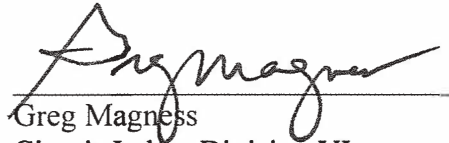
Annie Powell Hendricks
Circuit Judge, Division II



R. Gunner DeLay
Circuit Judge, Division V



Shannon Blatt
Circuit Judge, Division III



Greg Magness
Circuit Judge, Division VI



Dianna Hewitt Ladd
Circuit Judge, Division VII

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

Participating State District Judges ----- Assignment and Allocation of Cases

The state district judges participating in referrals from the circuit court include:

Name	District Court Judicial District	Assignment and Allocation of Cases
Amy Grimes Fort Smith District Division 1	6 th Judicial District	
Wendy Sharum Fort Smith District Division 2	6 th Judicial District	
Sam Terry Fort Smith District Division 3	6 th Judicial District	
Michael Waggoner Greenwood District	6 th Judicial District	

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.*

Type of Other Matters _____ Location _____

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 A.C.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 A.C.A. §16-93-307

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

- Yes
 No

Specialty Court Dockets or Programs

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

Yes

No

The following circuit court specialty courts are presided over by district judges:

Type of Specialty Court

Location

Sebastian County Misdemeanor Adult Drug Court program as described in the administrative plan for the 12th Circuit.

Sebastian County Courts Building
901 B Street
Fort Smith, AR 72901