

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
DISTRICT OF THE STATE OF ARKANSAS**

**ADMINISTRATIVE ORDER
IMPLEMENTING THE ADMINISTRATIVE PLAN
FOR CALENDAR YEARS 2024/2025**

Pursuant to Administrative Order No. 14 of the Supreme Court of Arkansas delivered on April 6, 2001, the following constitutes the administrative plan of the Circuit Courts of the Thirteenth Judicial District for the implementation of Amendment 80 to the Arkansas Constitution:

Act 951 of 2001 identifies and designates the separate divisions of circuit court as follows:

<u>OLD DESIGNATION</u>	<u>JUDGE</u>	<u>NEW DESIGNATION</u>
Chancery 1 st Division	David C. Graham	Circuit Court 1 st Division
Chancery 2 nd Division	Mary Thomason	Circuit Court 2 nd Division
Circuit/Chancery Juv/3 rd Div.	Edwin A. Keaton	Circuit Court 3 rd Division
Circuit/Chancery 4 th Div.	Jim F. Andrews, Jr.	Circuit Court 4 th Division
Circuit/Chancery 5 th Div.	David W. Talley, Jr.	Circuit Court 5 th Division
Circuit 2 nd Division	Spencer G. Singleton	Circuit Court 6 th Division

The Thirteenth Judicial District is comprised of six counties: Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union. The following division of cases is established:

2024/25 GRID

	CRIMINAL*	JUVENILE	CIVIL	DOMESTIC RELATIONS	PROBATE**	DRUG COURT
CALHOUN	4 th Div.	5 th Div.	4 th Div. ¼ 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	4 th Div.	N/A
CLEVELAND	5 th Div.	5 th Div.	4 th Div. ¼ 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	1 st Div.	N/A
COLUMBIA	5 th Div.	5 th Div.	1 st Div. ¾ 4 th Div. ¼	1 st Div. ¼ 2 nd Div. ¼ 3 rd Div. ¼ 5 th Div. ¼	5 th Div.	Juvenile 5 th Div. Adult 5 th Div.
DALLAS	6 th Div.	5 th Div.	3 rd Div. ¼ 6 th Div. ¾	1 st Div. ½ 2 nd Div. ½	3 rd Div.	N/A
OUACHITA	3 rd Div. ½ 4 th Div. ½	3 rd Div. ½ 5 th Div. ½	4 th Div. ¾ 6 th Div. ¼	1 st Div. ½ 2 nd Div. ½ 3 rd Div. ½	1 st Div.	Adult 3 rd Div.
UNION	4 th Div. ½ 6 th Div. ½	3 rd Div. ½ 5 th Div. ½	4 th Div. ¼ 6 th Div. ¾	1 st Div. ¼ 2 nd Div. ½ 3 rd Div. ¼	2 nd Div. ½ 6 th Div. ½	Adult 6 th Div.

*In Ouachita and Union Counties, new criminal charges will be filed in the division where a defendant is subject to revocation of probation or suspended imposition of sentence and defendants of a common criminal action shall be assigned to the same division.

**In Union County, all Adult Protective Services cases will be assigned to Second Division.

As the grid above reflects, there are six subject matter jurisdictions maintained by a circuit court (i.e., criminal, juvenile, civil, domestic relations, probate and drug court). Some of the subject matter jurisdictions have been divided between two or more judges. The diagram above provides for the percentages of case assignments in each subject matter jurisdiction in each county where there are two or more judges responsible for cases in that particular docket. The circuit clerks and county clerks (probate division) shall receive instruction from time to time from the judges of the Thirteenth Judicial District to assist them in assigning cases in such a manner that the assignment will be random.

CASE PROJECTIONS

Under the grid listed above, the projected filings per division for 2024 are as follows:

First Division: 949 cases; Second Division: 854 cases; Third Division: 834 cases; Fourth Division: 1104 cases; Fifth Division: 1130 cases; and Sixth Division: 1281 cases.

This projection is based on actual 2022 numbers provided by the Administrative Office of the Courts but adjusted to account for the case distribution set forth above. The undersigned judges have reviewed these projections and find that the Administrative Plan set forth herein is a fair and equitable distribution of cases taking into consideration the need for travel, the different types of cases, required time in courtrooms, the complexity of different cases, historical trends, and any pending backlog of cases.

DOMESTIC RELATIONS TEMPORARY and FINAL HEARINGS

Recognizing that litigants in this district need prompt hearings and resolutions of matters in domestic relations cases, if the assigned judge cannot provide a temporary hearing within thirty (30) days or a full hearing within ninety (90) days, the case may be transferred to another division. Transfer will be considered upon request to the Administrative Judge.

Although this plan contemplates the assignment of probate cases as set forth above, given the nature of certain probate matters, (i.e. emergency petitions for mental, drug or alcohol commitments) it is the intention of the judges to hear probate cases as needed regardless of division. This will be

accomplished by reference to our exchange order which will be entered simultaneously with this Administrative Order.

DELINQUENCY – FAMILY IN NEED OF SERVICES/ DEPENDENCY-NEGLECT
(Ouachita and Union Counties)

All **DF** – Delinquency - Family in Need of Services cases filed in the Juvenile Division of the Circuit Court of Ouachita County, Arkansas, shall be filed in Division 3.

All **DN** - Dependency-Neglect cases filed in the Juvenile Division of the Circuit Court of Ouachita County, Arkansas, shall be filed in Division 5.

All **DF** – Delinquency - Family in Need of Services cases filed in the Juvenile Division of the Circuit Court of Union County, Arkansas shall be filed in Division 5.

All **DN** - Dependency-Neglect cases filed in the Juvenile Division of the Circuit Court of Union County, Arkansas shall be filed in Division 3.

CONFLICTS/RECUSALS

In accordance with Administrative Order 16: Procedures Regarding the Assignment of Judges (as amended and effective March 4, 2021), the following procedures will be followed in this circuit to reassign cases where a conflict has arisen after the filing of the case. The recusing judge shall file an Order of Recusal. The Circuit or County Clerk shall enter the case as a “recuse” into the case management system. The case management system will then randomly reassign the case to another judge in the following priority:

FIRST, the case will be randomly reassigned to another judge who hears that same case type (civil, criminal, domestic relations, juvenile, probate) in the county where the case is filed;

SECOND, where there are no other judges who hear that same case type in the county where the case is filed or if the judge to whom the case is first reassigned then recuses and there are no other judges who hear that same case type in the county where the case is filed, the case will be randomly reassigned to another judge who hears that case type in the circuit;

THIRD, where there are no other judges who hear that same case type in the circuit or if all judges who hear that same case type in the circuit have recused, the case will be randomly reassigned to any judge of the circuit.

If all judges of the circuit have recused, the Circuit or County Clerk shall complete the form provided by the Administrative Office of the Courts to request a special judge. The Clerk shall send the form, along with documentation that all judges in the circuit have been recused, to the Chief Justice requesting that an assignment be made.

If the case management system lacks the capability to reassign the case as detailed above, the clerk's office may utilize a manual process to randomly reassign the case (i.e., drawing names) so long as that process complies with the reassignment procedures detailed above and ensures the random reassignment of the case.

DRUG COURTS

UNION COUNTY

A. Type of Program and Description of Operations:

The Union County Drug Court program has been in operation since January 2002. Regular court sessions are conducted two times a month, usually on the first and third Thursday of each month at the Union County Criminal Justice Facility in El Dorado, Arkansas. The program utilizes pre-adjudication and post-adjudication processes, and is open to defendants who have a demonstrated need for substance abuse disorder treatment and have committed eligible criminal offenses, who have eligible criminal histories, and who are recommended by the prosecutor.

B. Statutory Authority

The Union County Drug Court is authorized pursuant to Arkansas Code Annotated sections 16-98-301 through 16-98-307.

C. Certification of Compliance

The Union County Drug Court is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, court costs, and probation fees. Team members have attended training programs offered by the Administrative Office of the Courts. The Union County Drug Court operates in accordance with best practice standards.

D. Use of Court Resources

The Union County Drug Court team includes: a circuit judge, a deputy prosecuting attorney, a public defender, private defense counsel (where needed), treatment professionals (including community providers), DCC staff, law enforcement, and local court staff. The drug court team meets before each scheduled drug court day to staff each defendant within the drug court program, and more frequently as needed.

E. Sources of Funding

The Union County Drug Court receives funding and support from Union County, the Public Defender Commission, the Prosecuting Attorney's Office, the Department of Community Corrections, and the Administrative Office of the Courts. The Court also receives support from federal and state grant opportunities as they arise and become available. There are sufficient resources for the operation of the program as required by A.C.A. §16-98-305.

The Sixth Division Circuit Judge presides.

OUACHITA COUNTY

A. Type of Program and Description of Operations:

The Ouachita County Drug Court Program has been in operation since April 2006. Regular Court sessions are conducted two times per month, usually on the second Friday and the 4th Monday of each month. Court Sessions are held in the Circuit courtroom located in the Ouachita County Detention Complex located in Camden, Arkansas. The program utilizes pre-adjudication and post-adjudication processes, and is open to defendants who have committed eligible criminal offenses, who have eligible

criminal histories, and who are recommended by the prosecutor. A pre-adjudication defendant who completes the drug court program can withdraw the guilty plea that was entered, and have the charges dismissed. If otherwise eligible, that defendant's arrest record on that charge is sealed.

B. Statutory Authority

The Ouachita County Drug Court is authorized pursuant to Arkansas Code Annotated sections 16-98-301 through 16-98-307.

C. Certification of Compliance

The Ouachita County Drug Court is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, court costs, and probation fees. Team members have attended training programs offered by the Administrative Office of the Courts. The Ouachita County Drug Court operates in accordance with best practice standards.

D. Use of Court Resources

The members of the Ouachita County Drug Court team include the Circuit Judge, the prosecuting attorney, the public defender, Coordinator/Administrator, Probation Officer, treatment counselor, and a law enforcement representative. The drug court team meets before each regularly scheduled drug court session to staff each defendant within in the drug court program. The drug court team meets on other occasions as needed.

E. Sources of Funding

The Ouachita County Drug Court program receives staff (Drug Court Coordinator, Probation Officer and treatment counselor) from the Department of Community Corrections, and receives funding from the collection of court fees and grants from county, state and federal sources, when available. The program uses available funding to pay the costs of hair follicle and other drug testing, and for training for drug court team members. There are sufficient resources for the operation of the program as required by A.C.A. §16-98-305.

The Third Division Circuit Judge presides.

COLUMBIA COUNTY

A. Type of Program and Description of Operations:

The Columbia County Adult Drug Court Program has been in operation since 2001. Court sessions are conducted in Columbia County, Arkansas. The program primarily utilizes a post-adjudication process and is open to defendants who have committed eligible offenses and are recommended by the prosecuting attorney.

B. Statutory Authority

The Columbia County Drug Court is authorized pursuant to Arkansas Code Annotated sections 16-98-301 through 16-98-307.

C. Certification of Compliance

The Columbia County Drug Court is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, court costs, and probation fees. Team members have attended training programs offered by the Administrative Office of the Courts. The Columbia County Drug Court operates in accordance with best practice standards.

D. Use of Court Resources

The members of the Columbia County Drug Court team include the prosecuting attorney, public defender, DCC staff, drug court coordinator, and the circuit judge. They are consulted for purposes of scheduling to ensure 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.

E. Sources of Funding

The Columbia County Drug Court program receives staff funding from the Department of Community Corrections and the collection of court fees. There are sufficient resources for the operation of the program as required by A.C.A. §16-98-305.

The Fifth Division Circuit Judge presides.

COLUMBIA COUNTY
(Juvenile Division)

A. Type of Program and Description of Operations:

The Columbia County Juvenile Drug Court Program has been in operation since 2009. Court sessions are conducted in Columbia County, Arkansas. The program primarily utilizes a post-adjudication process and is open to juveniles who have committed eligible offenses and are recommended by the prosecuting attorney. The program receives staff funding from the Department of Human Services.

B. Statutory Authority

The Columbia County Juvenile Drug Court is authorized pursuant to Arkansas Code Annotated sections 16-98-301 through 16-98-307.

C. Certification of Compliance

The Columbia County Juvenile Drug Court is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, court costs, and probation fees. Team members have attended training programs offered by the Administrative Office of the Courts. The Columbia County Juvenile Drug Court operates in accordance with best practice standards.

D. Use of Court Resources

The members of the drug court program team include the prosecuting attorney, public defender juvenile drug court coordinator, drug court counselor and the circuit judge. Team members are consulted for purposes of scheduling to ensure 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.

E. Sources of Funding

The Columbia County Juvenile Drug Court program receives staff funding from the Department of Community Corrections. There are sufficient resources for the operation of the program as required by A.C.A. §16-98-305.

The Fifth Division Circuit Judge presides.

ALTERNATIVE SENTENCING PROGRAM

A. Type of Program and Description of Operations:

The Thirteenth Judicial District Alternative Sentencing Program (ASP) is designed to bring evidence-based, more effective sentencing practices to our jurisdiction. Through the use of risk assessment instruments that capture empirically validated risk factors for reoffending, and the use of research supported interventions targeting those specific risk factors, ASP program offers innovative pre-trial sanctions and services for offenders who are accepted into the program. Law enforcement, the judiciary, prosecution, defense, probation and community service providers, working together, guide the administration and operation of the program as it works to enhance public safety, hold offenders accountable and develop competencies in offenders such that they can become productive, contributing members of society.

Specifically, the goals of the ASP as are follows:

- **to enhance public safety** through reductions in recidivism;
- **to hold offenders accountable** to victims and communities (pre-trial) through various sanctions, restitution and work service hours; and
- **to increase competencies in offenders** through educational and vocational training, mental health management, drug treatment and other basic life-skills training so that they are better equipped to live crime-free lives.

Offenders submit themselves to the authority of the program pre-trial, before there has been any judicial determination of guilt, to make amends for wrongdoing. They repair the harm to the community and victims before they have any legal obligation to do so. This willingness to be held accountable pre-trial, when partnered with reduced risk to reoffend at the end of the program, can result in probation or

dismissal of charges. The ASP is currently being utilized in the criminal subject matter jurisdictions in Calhoun, Cleveland, Columbia, Dallas, Ouachita and Union counties.

B. Statutory Authority

The Alternative Sentencing Program is authorized pursuant to Arkansas Code Annotated sections 5-4-901 through 5-4-912.

C. Certification of Compliance

The Alternative Sentencing Program is conducted in conformance with state statutes and complies with applicable laws involving the assessment of fines, court costs, and fees.

D. Use of Court Resources

Alternative Sentencing Program defendants are monitored by trained Department of Community Corrections staff and their cases regularly reviewed by the presiding judges.

E. Sources of Funding

The Alternative Sentencing Program receives staff from the Department of Community Corrections, and receives funding from the collection of court fees.

Judges presiding:

Third Division	Ouachita County
Fourth Division	Calhoun, Ouachita, and Union Counties
Fifth Division	Columbia County
Sixth Division	Dallas and Union Counties

UNION COUNTY SWIFT COURT

A. Type of Program and Description of Operations:

The Union County SWIFT Court Program is designed to target defendants that, if not for the availability of the program, would be sentenced to the Arkansas Department of Correction. These defendants are targeted in an effort to alleviate the burden of prison overcrowding and the financial burden that comes along with sentencing a defendant to the Department of Correction.

The Union County SWIFT Court Program utilizes intensive supervision coupled with frequent and random drug/alcohol testing to monitor defendants that are participating in the program. Any violation of the conditions of probation is met with immediate sanctions. Sanctions range from short term incarceration to community service to increased reporting. The Union County SWIFT Court Program is the final attempt at supervision for defendants before being sentenced to the Arkansas Department of Correction.

The Union County SWIFT Court program is a pilot program in the state

B. Statutory Authority

The Union County SWIFT Court is authorized pursuant to Arkansas Code Annotated sections 16-93-1701 through 16-93-1704.

C. Certification of Compliance

The Union County SWIFT Court is conducted in conformance with state statutes and complies with applicable laws involving the assessment of fines, court costs, and probation fees.

D. Use of Court Resources

Union County SWIFT Court defendants are monitored by trained Department of Community Corrections staff and their cases regularly reviewed by the presiding judges.

E. Sources of Funding

The Union County SWIFT Court program receives staff from the Department of Community Corrections, and receives funding from the collection of court and probation fees.

The Fourth and Sixth Division Circuit Judges preside.

ARKANSAS JUVENILE CODE §9-27-318(d)

Filing and transfer to the Criminal Division of Circuit Court

When a petition to transfer a criminal charge is filed under Arkansas Juvenile Code Annotated § 9-27-318(d), this judicial district agrees to have the transfer hearing conducted in the juvenile division of the circuit court. If the juvenile division of the circuit court denies the petition, the case shall remain in the original criminal division of the circuit court. If the juvenile's criminal charges are transferred and converted into delinquency charges under Arkansas Juvenile Code Annotated § 9-27-318(d), the case will then remain in the juvenile division.

STATE DISTRICT COURTS

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:

District Court		
<u>Name</u>	<u>Judicial District</u>	<u>Assignment and Allocation of Cases</u>
Judge Jack Barker	35 th District	
Judge Tom Wynne	34 th District	
Judge Ryan Phillips	39 th District	

- 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

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

Union County:

Yes

No

All Other Counties:

Yes

No

Specialty Court Dockets or Programs

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

Yes

No

CONCLUSION

The circuit judges will monitor the assignment of cases and periodically review and confer regarding the allocation of cases and any attendant problems.

The judges have unanimously agreed upon the division set forth above and further agree that this plan shall not be altered except by unanimous agreement.

IT IS HEREBY ORDERED that this order be filed and recorded by clerks of each county in the Thirteenth Judicial District, to be effective January 1, 2024. This Order shall remain in effect until amended or replaced by a subsequent order.

DAVID C. GRAHAM
Circuit Judge, First Division

JIM F. ANDREWS, JR.
Circuit Judge, Fourth Division

MARY THOMASON
Circuit Judge, Second Division

DAVID W. TALLEY, JR.
Circuit Judge, Fifth Division

EDWIN A. KEATON
Circuit Judge, Third Division

SPENCER G. SINGLETON
Circuit Judge, Sixth Division
Administrative Judge

TOM WYNNE
District Judge, Thirty-Fourth Judicial District

JACK W. BARKER
District Judge, Thirty-Fifth Judicial District

RYAN PHILLIPS
District Judge, Thirty-Ninth Judicial District