

**ADMINISTRATIVE PLAN  
OF THE FIFTH JUDICIAL DISTRICT  
POPE, JOHNSON, AND FRANKLIN COUNTIES  
STATE OF ARKANSAS**

EFFECTIVE DATES: JANUARY 1, 2024, THROUGH DECEMBER 31, 2025

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Adopted on: \_\_\_\_\_  
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## **SECTION ONE**

### **ADMINISTRATIVE POLICY STATEMENT**

**1. Enactment of Plan:** Case management and administrative procedures of the Fifth Judicial District will be governed by this Plan. This Plan is submitted pursuant to Ark. Sup. Ct. Admin. Order No. 14. Upon approval of the Arkansas Supreme Court, this Plan carries the force of law.

**2. Periodic Review of Plan And Of The Operations Of The Court System:** The circuit judges of the Fifth Judicial District shall meet no less than twice a year to review the implementation and efficiency of this Plan. The dates, times and places of said meeting shall be set with the unanimous consent of all of the Circuit Judges in the Fifth Judicial District. The Circuit Judges shall also meet monthly to review the performance of each Division and to ensure each Judge has an adequate awareness of the processes, activities, caseloads, calendar, and special circumstances of the judicial system in the Judicial District. Each Circuit Judge should periodically share the upcoming calendar for that Division with the Judges of the other Divisions, including associated support staff (e.g., Trial Court Administrators, Court Reporters, Clerks, and other interested parties).

**3. Modifications of Plan:** Any future modifications to this Plan shall be in writing

and shall require the unanimous consent of all the Circuit Judges in the District and shall evidence their signatures of approval. Proposed modifications of this Plan shall be the subject of Public Notice with proposed modifications issued in writing at the time of publication of the public notice; there shall be a reasonable amount of time allowed for written public comment; any public comment shall be addressed by the Circuit Judges; and the Circuit Judges shall take final action on any proposed amendments in writing.

**4. Electronic Filing of Court Notices:** In all cases, notice to a party or interested person who is a registered user of the electronic filing system under Administrative Order 21 shall be considered adequate notice to that party or interested person. If the party or interested person is not a registered user, notice may be sent by email, text message, or other electronic message to the last known electronic address of the party or interested person. Ark. R. Civ. P., Rule 5 (b).

3. **Market and Financial Analysis** by which we understand the market, industry, technology, competitors, demand, supply, support, flow of cash, turnover
4. **Product and Business Model** by which we understand what we are selling and how we are making money. How to create value for customer
5. **Business Plan** which is the road map for the business operations for a certain period
6. **Team** who are responsible for the execution of the business plan
7. **Business Plan** which is prepared in a written form and is a road map for the business plan.

## **SECTION TWO**

### **CASE ASSIGNMENT PROCESS**

**1. Considerations in determining case assignment and allocation of filings:** The process for assignment and allocation of court case filings in the Fifth Judicial District is set forth below. In arriving at this process, several factors have been taken into consideration which include, but are not limited to, the following: Limitations on courtroom space, parking facilities, and accommodations available to the public; Efficient utilization of jury panels; Equal appointment of filings based upon past case filings and time frames peculiar to different types of filings; Limited resources for juvenile filings; The experience and qualifications of each of the Circuit Judges in the District; Limited resources in support staff for different divisions of Circuit Court including, but not limited to Prosecuting Attorneys, Public Defenders, Attorneys Ad Litem, Juvenile Intake Officers, Juvenile Probation Officers, Adult Probation Officers, Social Workers and specialized staff of the Arkansas Department of Human Services; Cost and expense to each of the Counties of the Fifth Judicial District in implementing this Plan.

**2. Identity of Circuit Judges in 5<sup>th</sup> Judicial District:** The Fifth Judicial District Consists of the three counties: Franklin, Johnson and Pope. There are four Circuit Judges who serve the district:

Division One - Circuit Judge James Dunham.

[judgejamesdunham@gmail.com](mailto:judgejamesdunham@gmail.com)

Division Two - Circuit Judge Gordon W. "Mack" McCain, Jr. - Administrative Judge.

[arjudgedist5div2@gmail.com](mailto:arjudgedist5div2@gmail.com)

Division Three - Circuit Judge Ken D. Coker, Jr.

[judgekcoker@gmail.com](mailto:judgekcoker@gmail.com)

Division Four - Circuit Judge Jack Patterson

[JudgeJackPatterson@gmail.com](mailto:JudgeJackPatterson@gmail.com)

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### **3. Creation of Subject Matter Divisions:**

a. As mandated by Administrative Order 14, this Plan hereby establishes the following subject matter divisions in Circuit Courts of each county of the Fifth Judicial District: Criminal (CR), Civil (CV), Juvenile (JV), Probate (PR) and Domestic Relations (DR).

1. Within the criminal division, there is also created a specialty court docket or program known as drug court in each County. Specialty court dockets employ a problem-solving approach with a Circuit Judge supervising a treatment plan for a litigant that is designed and implemented by a team of court staff and

health professionals.

2. Within juvenile division there is also created a specialty court docket or program known as Juvenile Drug Court in Pope and Johnson County. Specialty court dockets employ a problem-solving approach with a Circuit Judge supervising a treatment plan for a litigant that is designed and implemented by a team of court staff and health professionals.

- b. For the purpose of this Plan, “probate” means filings relating to decedent estates, trust administration, adoption, guardianship, conservatorship, commitment and adult protective custody; “Domestic Relations” means filings relating to divorce, annulment, maintenance, custody, visitation, support, paternity and domestic abuse.
- c. The creation of these divisions is for the purpose of judicial administration and caseload management and is not for the purpose of subject matter jurisdiction.
- d. The creation of these divisions shall in no way limit the powers and the duties of the Circuit Judges.

#### **4. Effect of Assigning a Case to a Division of Circuit Court.**

- a. Under this Plan, no Circuit Judge has been assigned exclusively to a particular division in a manner that would preclude or limit that Judge from hearing other filings which may come before the Circuit Judge.
- b. Once a case is filed and a Circuit Judge is assigned pursuant to this Plan, all future



matters in that case shall be heard before the same Judge unless there is a transfer or recusal under the processes described in this Plan.

**5. Process of Assigning Court Cases to a Division of Circuit Court:** Case assignments under this Plan shall be accomplished by the Court Clerks by using the Contexte System. The System shall be configured to assign cases to Circuit Judges of this Judicial District in a manner which mirrors the respective percentages of case assignments designated below, and which otherwise accomplishes the assignment of cases pursuant to this Plan.

## **SECTION THREE**

### **CASE ASSIGNMENTS TO CIRCUIT JUDGES**

**1. CASE ASSIGNMENTS TO DIVISION ONE.** The Circuit Judge for Division One of the Fifth Judicial District shall be assigned the following case filings:

**a. Criminal Cases (CR):** 100% of all Criminal (CR) filings in Pope and Franklin Counties.

1. The Division One Circuit Judge has the primary responsibility and authority for the criminal justice system in the Fifth Judicial District. The Division One Judge shall supervise all phases of the criminal justice system and shall arrange for the regular participation of judicial officers in the following proceedings: Probable cause and pretrial release determinations; search warrant applications and returns; preliminary hearings in Petition to Revoke Supervision cases; requests for miscellaneous hearings in criminal justice matters.

2. The Division One Judge shall maintain forms and develop standardized procedures and practices, which shall appear on the website for the Division One Judge. An interested party should be able to generally understand the standardized procedures and practices of the criminal justice system in the Fifth Judicial District by reference to that information. The Division One Judge shall, with the participation and consent of the District Judges and Circuit Judges of the Fifth Judicial District, establish a

regular schedule for such hearings in consultation with the affected participants (e.g., law enforcement agencies, court clerks, Prosecuting Attorneys, Public Defenders, lawyers who regularly practice in the Fifth Judicial District, etc.). The Division One Judge shall maintain and publicize the usual forms and schedules of such hearings on a website designated as such and available to the public and persons who regularly participate in such cases.

**b. Domestic Violence Cases (DR):** Any case other than one arising under the Juvenile Code (which is assigned to Division Three) in which there is a suggestion that domestic violence is or may be a factor in the judgment of the Judge of the Division to which the case is originally assigned shall be transferred from the Division to which the case is originally assigned to Division I. For example, a civil case seeking an injunction; or a domestic relations case; or a probate case such as a guardianship; in any such cases in which there is a suggestion that domestic violence is or may be a factor as described above, and which case begins in Division Two, Three, or Four, the case shall be transferred to Division One upon the determination of the need to transfer. That determination is at the discretion of the transferring Judge, in consultation with the Division One Circuit Judge. Any disagreement regarding whether to transfer the case shall be decided by the Administrative Judge prior to entry of the Order of Transfer.

**c. Pope County Domestic Abuse Act Cases (DR):** 100% of Pope County domestic relations cases in which there is a claim for relief under the Arkansas Domestic Abuse Act, Ark. Code Ann. §9-15-101 et. seq. shall be assigned to Division One.

**d. Civil Cases (CV):** Pope, Johnson, and Franklin Counties: All civil property forfeiture actions filed pursuant to Ark. Code Ann. §5-64-505 or otherwise designated as property forfeitures on the cover sheet submitted to the Clerk at the time of filing.

**e. Transfer of existing Civil (CV) Cases from Division One to Division Three and Division Four:** On January 1, 2024, the existing and open civil cases assigned to Division One shall be transferred to Divisions Three and Four as if they had been originally assigned to those Divisions. One-half (1/2) of such cases shall be assigned to Division Three, and one-half (1/2) of such cases shall be assigned to Division Four.

The circuit clerk shall randomly assign these open cases to each Division as provided above. The Division One Judge may exempt individual cases from such reassignment by notice to the Clerk prior to reassignment (e.g., cases in which pretrial proceedings have occurred; cases that were transferred to Division One due to an earlier transfer or recusal; etc), in which instance the cases exempted shall remain assigned to Division One.

**2. CASE ASSIGNMENTS TO DIVISION TWO.** The Circuit Judge for Division Two of the Fifth Judicial District shall be assigned the following case filings:

**a. Domestic Relations Cases (DR):**

1. Pope County: 60% of domestic relations filings, except 100% of Pope County domestic relations cases in which there is a claim for relief under the Arkansas Domestic Abuse Act, Ark. Code Ann. §9-15-101 *et. seq.* which shall be assigned to Division One.

2. Johnson County: 60% of domestic relations filings.

3. Franklin County: 80% of domestic relations filings.

**b. Probate Cases (PR):**

1. Pope County: Division Two shall be assigned 100% of probate filings, except mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. seq.*; all such cases shall be assigned to Division Three.

2. Johnson County: Division Two shall be assigned 100% of probate filings, except mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. seq.*; all such cases shall be assigned to Division Three.

3. Franklin County: Division Two shall be assigned 100% of probate filings, except

mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. seq.*; all such cases shall be assigned to Division Three.

**c. Criminal Cases (CR):**

1. Johnson County Drug Court: All Drug Court filings in Johnson shall be heard in Division Two.
2. Franklin County Drug Court: All Drug Court filings in Franklin County shall be heard in Division II.
3. Miscellaneous Criminal Hearings: Shared responsibility with other judicial officers regarding applications for search and arrest warrants; probable cause and pretrial release hearings; and other miscellaneous hearings in all counties within the Fifth Judicial District.

**3. CASE ASSIGNMENTS TO DIVISION THREE.** The Circuit Judge for Division Three of the Fifth Judicial District shall be assigned the following case filings:

**a. Juvenile Cases (JV):**

1. Pope County: 100% of Juvenile Division filings, including Juvenile Drug Court.
2. Johnson County: 100% of Juvenile Division filings, including Juvenile Drug Court.
3. Franklin County: 100% of Juvenile Division filings, including Juvenile Drug Court.
4. Juvenile Court Administration: The Division Three Circuit Judge shall have the responsibility to be the primary administrator of the juvenile court system throughout the Judicial District. Those duties shall include, but not be limited to, the hiring and supervision of the juvenile intake and probation officers as well as other juvenile support staff, the administration of special juvenile programs, the budgets of the juvenile support systems and any other duties previously delegated to juvenile judges under the laws of the State of Arkansas.

**b. Civil Cases (CV):**

1. Pope County: 100% of all civil filings, except all civil property forfeiture actions filed pursuant to Ark. Code Ann. §5-64-505 or otherwise designated as property

forfeitures on the cover sheet submitted to the Clerk at the time of filing are assigned to Division One.

**c. Criminal Cases (CR):**

1. Miscellaneous Criminal Hearings: Shared responsibility with other judicial officers regarding applications for search and arrest warrants; probable cause and pretrial release hearings; and other miscellaneous hearings in all counties within the Fifth Judicial District.

2. Pope County Drug Court: 100% of Pope County Drug Court cases.

**3. Transfer of existing Drug Court Cases from Division Four to Division Three:**

Per the Amended Administrative Plan on February 1, 2023 and adopted on June 6, 2023, the existing and open Pope County drug court cases assigned to Division Four was transferred to Division Three as if they had been originally assigned to Division Three.

**d. Probate Cases (PR):**

1. Pope County: Division Three shall be assigned 100% of probate filings concerning mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. seq.*

2. Johnson County: Division Three shall be assigned 100% of probate filings concerning mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and



drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. seq.*

3. Franklin County: Division Three shall be assigned 100% of probate filings concerning mental health commitments under Ark. Code Ann. §20-47-101 *et. seq.* and drug and alcohol commitments under Ark. Code Ann. §20-64-101 *et. Seq.*

**4. CASE ASSIGNMENTS TO DIVISION FOUR.** The Circuit Judge for Division Four of the Fifth Judicial District shall be assigned the following case filings:

**a. Domestic Relations Cases (DR):**

1. Pope County: 40% of domestic relations filings, except 100% of Pope County domestic relations cases in which there is a claim for relief under the Arkansas Domestic Abuse Act, Ark. Code Ann. §9-15-101 et. seq. which shall be assigned to Division One.
2. Johnson County: 40% of domestic relations filings.
3. Franklin County: 20% of domestic relations filings.

**b. Civil Cases (CV):**

1. Johnson County: 100% of civil filings, except all civil property forfeiture actions filed pursuant to Ark. Code Ann. §5-64-505 or otherwise designated as property forfeitures on the cover sheet submitted to the Clerk at the time of filing are assigned to Division One.
2. Franklin County: 100% of civil filings, except all civil property forfeiture actions filed pursuant to Ark. Code Ann. §5-64-505 or otherwise designated as property forfeitures on the cover sheet submitted to the Clerk at the time of filing are assigned to Division One.

**c. Criminal Cases (CR):**

1. Johnson County: Division Four Circuit Judge shall be assigned 100% of the Criminal Case (CR) filings.

3. Miscellaneous Criminal Hearings: Shared responsibility with other judicial officers regarding applications for search and arrest warrants; probable cause and pretrial release hearings; and other miscellaneous hearings in all counties within the Fifth Judicial District.

## SECTION FOUR

### CASELOAD ESTIMATES

The following are “Caseload Estimates” required by Administrative Order 14

(3) (b), and are based upon 2022 data provided by AOC:

CASE TYPE	TOTAL	DIV. 1	DIV. 2	DIV. 3	DIV. 4
CIVIL CASES	1041	44	0	562	435
CRIMINAL CASES	2394	1764	31	47	552
DOMESTIC CASES	1819	154	1060	0	605
JUVENILE CASES	489	0	0	489	0
PROBATE CASES	778	0	650	128	0
DRUG COURT **	100	0	40	60	0
TOTAL CASES*	6521	1962	1741	1226	1592
	100%	30%	26.6%	18.8%	24.4%

\* TOTAL CASES HAVE BEEN INCREASED BY 100 TO ACCOUNT FOR

DRUG COURT CASES WHICH ARE NOT OTHERWISE INCLUDED IN THE TOTAL.

\*\* DRUG COURT CASES ARE A SUBSET OF CRIMINAL CASES. ALL SUCH CASES ARISE AS A CRIMINAL CASE. UPON CONCLUSION OF THE CRIMINAL PROCEEDINGS, THE CASE CONTINUES AS A DRUG COURT CASE WITHOUT A NEW CASE-TYPE DESIGNATION. DRUG COURT CASES ARE DESIGNATED AS “CR” CASES AND ARE ALSO INCLUDED IN CRIMINAL CASES ABOVE. WHEN A CRIMINAL CASE IS TRANSFERRED TO DRUG COURT SUPERVISION FOLLOWING THE ENTRY OF A SENTENCING ORDER IN DIVISION ONE, THE CASE IS THEN THE SUBJECT OF A TRANSFER ORDER TO THE PROPER DIVISION, EITHER DIVISION 2 IN JOHNSON AND FRANKLIN COUNTIES, OR DIVISION 3 IN POPE COUNTY. THE NUMBERS REFLECTED ABOVE ARE ESTIMATES BASED UPON HISTORICAL RECORDS AND CERTIFICATIONS FOR THE REPRESENTED DRUG COURT DOCKETS. POPE COUNTY IS CERTIFIED FOR 60 PARTICIPANTS; JOHNSON COUNTY IS CERTIFIED FOR 20 PARTICIPANTS; FRANKLIN COUNTY IS CERTIFIED FOR 20 PARTICIPANTS.

## **SECTION FIVE**

### **RECUSALS, REASSIGNMENTS,**

### **AND REQUESTS FOR SPECIAL JUDGE ASSIGNMENT**

**1. Recusals:** A Circuit Judge recusing from a case shall file an Order of Recusal. The Circuit or County Clerk shall enter the case as a “recuse” into the case management system, which will then randomly reassign the case to another Circuit Judge. The case management system shall first reassign the case to another Circuit Judge who hears that case type before assigning the case to other Circuit Judges in the circuit. If the newly assigned Circuit Judge requests a recusal, he or she shall file an Order of Recusal. The reassignment process shall continue until an appropriate Circuit Judge is selected by the case management system or until all Circuit Judges in the Judicial District have filed Orders of Recusal. If all Circuit Judges have been recused, the Circuit or County Clerk shall complete the form provided by the Administrative Office of the Courts to request a Special Circuit Judge. The Clerk shall send the form, along with documentation that all Circuit Judges in the Judicial District have been recused, to the Chief Justice requesting that an assignment be made. Circuit Judges shall not be involved in the process of reassignment due to a recusal other than to

accept the case or disqualify from the case. Documentation of recusals and all logistics regarding reassignment shall be handled by the Circuit or County Clerk as an administrative function. After notifying the Clerk's office of the need for reassignment due to a recusal, a Circuit Judge shall take no further action in the case other than to direct the attorneys and self-represented litigants to contact the Clerk's office regarding reassignment. If the case management system lacks the capability to reassign a case as detailed above, the Clerk's office shall be responsible for creating a process to randomly reassign the case. It is the responsibility of the Clerk to document the reassignment process in each case to ensure that the random selection of the Circuit Judge can be independently verified.

**c. Transfer of case to another Division:** At any time the Circuit Judge to whom a case is assigned may transfer the case to another Division in order to achieve the interests of this Plan or in the interests of justice.

**d. Entry of Order or Judgment on Exchange:** Any Circuit Judge of the Judicial District may enter Orders or Judgments for another Circuit Judge of the Judicial District with the consent of the Circuit Judge to whom the case is assigned. In that event, the Circuit Judge executing the Order or Judgment shall sign the Order as follows: “[Signature of Circuit Judge entering the Order or Judgment] on exchange for [Name of Circuit Judge to whom the case is assigned].”

**e. Procedure Regarding Transfers From Criminal Division to Juvenile Division**

**Pursuant to Ark. Code Ann. §9-27-318:** When a criminal case is transferred from criminal division (CR) to juvenile division (JV) pursuant to Ark. Code Ann. §9-27-318, the transferring Judge shall consult with the Division Three Circuit Judge to determine whether the interests of justice and conservation of judicial knowledge and resources require the case remain assigned to the Judge who entered the transfer order under §9-27-318, or requires the case be transferred to Division Three. The transferring Judge shall then enter whichever order is proper at the same time as the entry of the Order under §9-27-318.



## **SECTION SIX**

### **REQUEST FOR ASSIGNMENT-TEMPORARY**

#### **INABILITY TO SERVE (DAY ASSIGNMENTS)**

Circuit Judges shall configure their calendars so that they are available to hear all matters and sign all orders in cases assigned to them. Circuit Judges are encouraged to use all available technology to fulfill these duties.

While it is preferable for Circuit Judges to hear all cases assigned to them, there may be times when the assigned Circuit Judge is temporarily unavailable. In the event the assigned Circuit Judge is temporarily unavailable, he or she may request another Circuit Judge from the Judicial District preside over their cases. The parties shall be promptly notified of the temporary absence of the assigned Circuit Judge and of the Circuit Judge who will preside over the case instead. A party may request a continuance to allow the assigned Circuit Judge to preside over the case and any continuance for this reason shall be granted unless it is a time sensitive hearing under state or federal law. In criminal matters, a defendant's request for continuance shall toll the intervening time for purposes of speedy trial until the assigned Circuit Judge takes further action in the case.

Additionally, an order shall be entered memorializing the exclusion of this time period. If the assigned Circuit Judge determines that all Circuit Judges are unavailable

to preside over the cases scheduled for the day(s), the assigned Circuit Judge shall request the Clerk to complete the “Form Requesting Chief Justice to Assign a Special Judge.” The clerk shall send the form to the Chief Justice of the Arkansas Supreme Court for the Chief’s consideration. When a Circuit Judge presides over cases assigned to another Circuit Judge or when a Special Circuit Judge is assigned by the Chief Justice, the cases shall not be permanently reassigned.

## SECTION SEVEN

### SPECIALTY COURTS

#### **Adult Drug Courts:**

The Fifth Judicial Drug Court provides Drug Court accessibility to all three counties with the District.

#### **POPE COUNTY DRUG COURT**

- A. Type of Program and Description of Operations.** The Pope County Drug Court is comprised of Pope County and headed by the Honorable Ken D. Coker, Circuit Judge for Division III of the Fifth Judicial District.

Judge Coker conducts drug court in Russellville at the Pope County Courthouse. In addition to regular drug court dockets, there are sanctions dockets, staffing's and drug court team meetings held on a regular basis.

The drug court programs utilize both post-adjudication and pre-adjudication processes. The programs are structured by phases and performance standards which include, but are not limited to, regular drug testing, employment requirements, meeting requirements, counseling, and cooperation with rehabilitative efforts.

The combined goals of the drug courts are to assist drug court participants in becoming drug free, productive citizens who will be positive influences to their families and communities.

- B. Statutory Authority.** The statutory authority for this program is by Ark. Code Ann. §16-98-301 et. seq.
- C. Certification of Compliance.** The program conforms to all applicable sentencing laws, including fines, fees, court costs and probation assessments.
- D. Description of Program’s Use of Resources.** The administration of the Drug Court is a team effort involving the Prosecuting Attorney’s Office, Public Defenders Office, the respective Judges, and their staff’s and provided employees of the Department of Corrections. The Department of Community Correction provides a counselor and a probation officer in conformity with Arkansas law.
- E. Sources of Funding.** The Programs are funded by the Department of Community Correction.

### **JOHNSON COUNTY DRUG COURT**

- A. Type of Program and Description of Operations.** The Johnson County Drug Court is comprised of Johnson County and headed by the Honorable Gordon W. “Mack” McCain, Jr, Circuit Judge for Division II of the Fifth Judicial District.

In addition to regular drug court dockets, there are sanctions dockets, staffing's and drug court team meetings held on a regular basis.

The drug court programs utilize both post-adjudication and pre-adjudication processes. The programs are structured by phases and performance standards which include, but are not limited to, regular drug testing, employment requirements, meeting requirements, counseling, and cooperation with rehabilitative efforts.

The combined goals of the drug courts are to assist drug court participants in becoming drug free, productive citizens who will be positive influences to their families and communities.

**B. Statutory Authority.** The statutory authority for this program is by Ark. Code Ann. §16-98-301 et.seq.

**C. Certification of Compliance.** The program conforms to all applicable sentencing laws, including fines, fees, court costs and probation assessments.

**D. Description of Program's Use of Resources.** The administration of the Drug Court is a team effort involving the Prosecuting Attorney's Office, Public Defenders Office, the respective Judges, and their staff's and provided employees of the Department of Corrections. The Department of Community Correction provides a counselor and a probation officer in

conformity with Arkansas law.

- E. Sources of Funding.** The Programs are funded by the Department of Community Correction.

### **FRANKLIN COUNTY DRUG COURT**

- A. Type of Program and Description of Operations.** The Franklin County Drug Court is comprised of Franklin County and headed by the Honorable Gordon W. “Mack” McCain, Jr, Circuit Judge for Division II of the Fifth Judicial District.

In addition to regular drug court dockets, there are sanctions dockets, staffing and drug court team meetings held on a regular basis.

The drug court programs utilize both post-adjudication and pre-adjudication processes. The programs are structured by phases and performance standards which include, but are not limited to, regular drug testing, employment requirements, meeting requirements, counseling, and cooperation with rehabilitative efforts.

The combined goals of the drug courts are to assist drug court participants in becoming drug free, productive citizens who will be positive influences to their families and communities.

- B. Statutory Authority.** The statutory authority for this program is by Ark.

Code Ann. §16-98-301 et. seq.

- C. Certification of Compliance.** The program conforms to all applicable sentencing laws, including fines, fees, court costs and probation assessments.
- D. Description of Program’s Use of Resources.** The administration of the Drug Court is a team effort involving the Prosecuting Attorney’s Office, Public Defenders Office, the respective Judges, and their staff’s and provided employees of the Department of Corrections. The Department of Community Correction provides a counselor and a probation officer in conformity with Arkansas law.
- E. Sources of Funding.** The Programs are funded by the Department of Community Correction.

**POPE COUNTY JUVENILE DRUG COURT**

- A. Type of Program and Description of Operations.** The Pope County Juvenile Drug Court Program has been in operation since 2011. Court sessions are conducted on the third Thursday of every month on the second floor of the Pope County Courthouse in Russellville, Arkansas. The program uses a post-adjudication process and is open to all juveniles who have

committed eligible offenses and are recommended by the prosecuting attorney. The program policies and practices are governed by the Juvenile Drug Court Handbook as developed by the drug court team. All practices and policies are in conformance with the State Drug Court statutes.

- B. Statutory Authority.** The statutory authority for this program is by Ark. Code Ann. §16-98-301 et. seq.
- C. Certification of Compliance.** The program conforms to all applicable sentencing laws, including fines, fees, court costs and probation assessments.
- D. Description of Program's Use of Resources.** The Drug Court team is composed of the following members: Circuit Judge, Prosecuting Attorney, Public Defender, Juvenile Drug Court Coordinator, Education Representatives and the community based drug court team staff. Team members participate in monthly staffing's to ensure that all available resources are utilized, and participants' needs are met in a timely manner.
- E. Sources of Funding.** The Program receives staff funding from the State of Arkansas.



## JOHNSON COUNTY JUVENILE DRUG COURT

**A. Type of Program and Description of Operations.** Ingle County Juvenile Drug Court is a voluntary, post-adjudication, multi-phase intervention program designed for delinquent youth involved in the juvenile justice system who have been diagnosed with a substance use disorder and are at increased risk of reoffending. Juvenile Drug Court utilizes evidence-based, developmentally appropriate treatment and supervision measures to assist juveniles and families. Juvenile Drug Court aims to divert juveniles from incarceration and reduce substance use disorders amongst youth while strengthening families through treatment and community supervision efforts. Juvenile Drug Court is available only to juveniles meeting program eligibility requirements. The juvenile must be a resident of Johnson County; must be between fourteen and seventeen years of age, must not have a prior conviction for a serious felony involving violence as defined in §5-4-501(c) (2); must not have prior conviction that would require registration as a sex offender; must be identified as moderate-to-high risk, as determined by a validated risk need assessment; must have a moderate-to-severe substance use disorder, and must be identified as clinically appropriate for the program, as determined by a licensed therapist. Juvenile Drug Court is a

minimum of twelve (12) months, Juvenile Drug Court is held every 2<sup>nd</sup> Tuesday of the month at 11:00 a.m., at the Johnson County Courthouse located at 215 West main Street, Clarksville, AR. 72830.

- B. Statutory Authority.** Johnson County Juvenile Drug Court was established pursuant to the Ark. Code Ann. §16-98-301 et. seq.
- C. Certification of Compliance.** Johnson County Juvenile Drug Court operates in compliance to 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. Johnson County Juvenile Drug Court operates in accordance with best-practice standards.
- D. Description of Program's Use of Resources.** The Johnson County Juvenile Drug Court team is composed of the following members: Circuit Judge, Prosecuting Attorney, Public Defender, Juvenile Drug Court Coordinator, Juvenile Probation Officer, School Representative, and the community-based treatment provider. Team members participate in staffing and review hearings to ensure that all available resources are used promptly to meet each juvenile's individual needs. The Department of Human Services Division of Aging, Adult, and Behavioral Health Services are

contracted agencies to provide treatment services.

**E. Sources of Funding.** The Program receives funding and support from Johnson County Public Defender Commission, the Johnson County Prosecuting Attorney's Office and the Administrative Office of the Courts.

## SECTION EIGHT

### USE OF JURY PANELS

1. **Policy Statement.** It is the policy of the Circuit Court that Courts be coordinated and efficient in the use of Jury Panels.
2. **Jury Panel Coordinator.** In each County of the 5<sup>th</sup> Judicial District, a specific Circuit Judge shall be designated as the Circuit Judge who shall have the exclusive authority to form and coordinate a jury panel. *See*, Ark. Code Ann. §16-30-101. The Circuit Judge so designated shall be referred to as the Jury Panel Coordinator for that County.
3. **Authority.** The Jury Panel Coordinator may direct the formation of a Jury Panel and may direct the Jury Panel to attend proceedings in any Division of Circuit Court in that County, including proceedings in which a Special or Temporary Judge has been assigned.
4. **Duties.** The Jury Panel Coordinator is responsible for ensuring the following:
  - a. The proper summons and notification of Jury Panel Members.
  - b. The proper completion of Jury Panel Information.
  - c. The proper completion of Juror Orientation in all cases, regardless of case type, prior to designated trial dates (except when extraordinary circumstances require an abbreviated process);

- d. The proper coordination of the Jury Panel proceedings with all Circuit Judges, Clerks, and other interested parties.
- e. Maintaining a centralized information and notification system which provides electronic notification to Jury Panel Members and other interested persons regarding all appearance dates for Jury Panel Members.
- f. Maintaining a calendar of all Jury Panel Member dates of attendance.
- g. Coordinating with all Circuit Judges the available jury trial dates for the Jury Panel.
- h. Ensuring the interests of the public in the maintenance of the coordinated and efficient use of Jury Panels.
- i. The delegation to a Circuit Judge of the authority to conduct jury trial proceedings for the Jury Panel.
- j. Providing and administering all necessary expenses associated with Jury Panels, including administering the County budget associated with the Jury Panel.

**SECTION NINE**

**STATE DISTRICT COURT JUDGES**

**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:

<b>Name</b>	<b>District Court Judicial District</b>	<b>Assignment and Allocation of Cases</b>
Judge Sarah E. Capp	7 <sup>th</sup> Judicial District	100% Criminal Referrals in Johnson County Only
Judge Clayton E. McCall	8 <sup>th</sup> Judicial District	100% Criminal Referrals in Pope County

**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:



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:

**Criminal Referrals in 7<sup>th</sup> Judicial District – Franklin County & Johnson County**

- 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 Pursuant to Rules 8.4 and 8.5
- Release Defendant from Custody Pursuant to Rules 9.1, 9.2 and 9.3
- Conduct Preliminary Hearing Pursuant to A.C.A. §16-93-307

**Criminal Referrals in 8<sup>th</sup> Judicial District – Pope County**

- 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 Pursuant to Rules 8.4 and 8.5
- Release Defendant from Custody Pursuant to 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 available to make a verbatim record of matters referred from the circuit court?

**Franklin County**

Yes

No

**Johnson County**

Yes

No

**Pope County**

Yes

No

Has the State District Court Digital Audio Recording Equipment Compliance Form been provided to the Administrative Office of the Courts?

**Franklin County**

Yes

No

**Johnson County**

Yes

No

**Pope County**


Yes

No

**SECTION TEN**

**CERTIFICATION OF MEETING, VOTE, AND SUBMISSION**

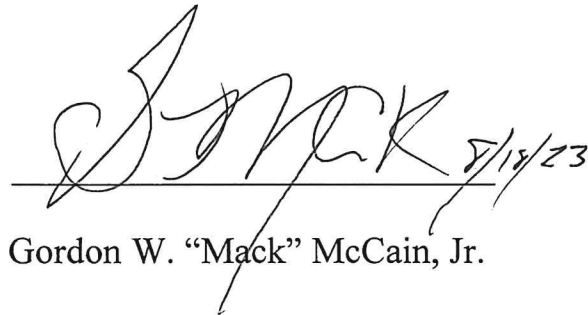
The foregoing Administrative Plan of the 5<sup>th</sup> Judicial District is hereby submitted to the Arkansas Supreme Court for approval on date below indicated; the Circuit Judges have met and each has had an opportunity to be heard; there has been notice to the public and interested persons; and this Plan has been unanimously approved by the Circuit Judges of the 5<sup>th</sup> Judicial District as demonstrated by the signatures of each below.

  
8-18-2023

James Dunham

Circuit Judge

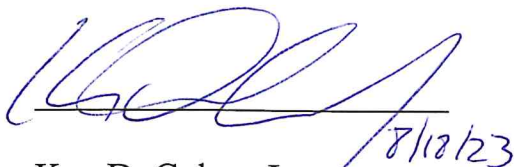
Division One

  
8/18/23

Gordon W. "Mack" McCain, Jr.

Circuit Judge

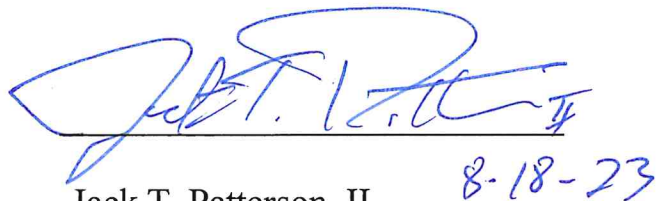
Division Two - Administrative Judge

  
8/18/23

Ken D. Coker, Jr.

Circuit Judge

Division Three

  
8-18-23

Jack T. Patterson, II

Circuit Judge

Division Four