

**ADMINISTRATIVE PLAN
FOR
EIGHTH NORTH JUDICIAL CIRCUIT**

Pursuant to Administrative Order Number 14 of the Supreme Court of Arkansas, the Judges of the Eighth North Judicial Circuit adopt the following administrative plan.

Administrative Policy

1.

The Eighth North Judicial Circuit consists of two Circuit Judges, Joe C. Short and Duncan Culpepper. The circuit also has one District Judge, Kolby Harper.

2.

The Eighth North Judicial Circuit shall be divided into two divisions as follows:

DIVISION 1	Judge Joe C. Short
DIVISION 2	Judge Duncan Culpepper

3.

Any decision relating to Amendment 80 of the Arkansas Constitution, and to Arkansas Supreme Administrative Order Number 14, delivered April 6, 2001, and subsequent Orders and Per Curiam opinions, or division of cases in this District shall be by unanimous vote of all Circuit Judges in the District. In the event a unanimous vote of all Judges in the District cannot be reached on any matter, then such matter shall be submitted to the Arkansas Supreme Court for final resolution.

At the time a matter is submitted to the Arkansas Supreme Court for final resolution, all Judges of the District shall submit in writing, the matter in dispute with the reasons each Judge believes a matter should be decided in a specific manner.

4.

All Circuit Court Judges within the Circuit shall, at all times, have the authority and affirmative duty to hear all matters within the jurisdiction of the Circuit Court regardless of the designation of divisions. Scheduling of all cases for Court shall be made by the parties involved in any case through the Trial Court Assistants of the Circuit Judges.

5.

For the purposes of Judicial Administration and Caseload Management, the following subject matter divisions shall be established in both Hempstead County and Nevada County:

- A. Criminal
- B. Civil
- C. Domestic
- D. Probate
- E. Juvenile

The establishment of these divisions shall in no way limit the power and duties of any Circuit Judge in the District. Further, no Judge is excluded from hearing any case in any subject matter division which may come before him.

Case Assignment and Allocation

6.

This plan has been designed by considering special circumstances within the Judicial Circuit and the individual experience and expertise of all Judges.

In considering all circumstances and the individual experiences of the Judges in this circuit, the division of all new cases filed in the Eighth North Judicial Circuit, subject to the conditions set for herein, are to be divided as follows:

DIVISION 1 – Judge Joe C. Short

Case Type	Percentage of Cases
Criminal	50%
Civil	50%
Domestic	50%
Probate	50%
Juvenile	100% Dependency Neglect in Hempstead County 100% Delinquency and FINS in Nevada County

DIVISION 2 – Judge Duncan Culpepper

Case Type	Percentage of Cases
Criminal	50%
Civil	50%
Domestic	50%
Probate	50%
Juvenile	100% Dependency Neglect in Nevada County 100% Delinquency and FINS in Hempstead County

The Clerk of each subject matter division shall randomly assign by computer selection all cases to the Judges of the District in the percentages set forth above.

7.

Any case, including Juvenile Cases, in which any Judge in the District is unavailable may be heard by the available Judge without the necessity of a specific Exchange Order being submitted to the Administrative Office of the Courts.

- A. This practice has been followed by the Judges in our District in the past for all types of cases, including Juvenile, resulting in an almost equal division of cases between Judges and the prompt, efficient disposition of cases in the Circuit.
- B. The above practice has also resulted in the prompt and satisfactory disposition of cases for litigants as well as attorneys.

The assignment of cases in the above manner will prevent a workload imbalance between the Judges of the District. Further, while each division of the types of cases between the Judges is not equal, the case load between the Judges will be almost equal. After the next general election,

the elected Judges will submit a new Administrative Plan to the Arkansas Supreme Court pursuant to Administrative Order Number 14 and any supplemental orders which may be entered.

Caseload Estimates

8.

Caseload estimates for each division for 2024 and 2025 are as follows:

DIVISION 1 – Judge Joe C. Short

Case Type	Percentage of Cases	Estimated Number of Cases
Criminal	50%	289
Civil	50%	151
Domestic	50%	266
Probate	50%	122
Juvenile	100% Dependency Neglect in Hempstead County and 100% Delinquency and FINS in Nevada County	77
Total		905

DIVISION 2 – Judge Duncan Culpepper

Case Type	Percentage of Cases	Estimated Number of Cases
Criminal	50%	271
Civil	50%	139
Domestic	50%	267
Probate	50%	121
Juvenile	100% Dependency Neglect in Nevada County and 100% Delinquency and FINS in Hempstead County	309
Total		1,107

Administrative Order Number 16

9.

Pursuant to Administrative Order Number 16, amended and effective March 4, 2021, all judicial circuits shall follow this process for the reassignment of a case and the request for an assignment of a special judge by the Chief Justice:

A judge recusing him or herself 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 judge. The case management system shall first reassign the case to another judge who hears that case type before assigning the case to other judges in the circuit. If the newly assigned judge requests a recusal, he or she shall file an Order of Recusal. The reassignment process shall continue until an appropriate judge is selected by the case management system or until all judges in the circuit have filed Orders of Recusal.

If all 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 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.

Circuit judges shall not be involved in the process of reassignment 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.

Specialty Court Programs

10.

ADULT DRUG COURT

a. Description of Program and How it Operates

The Eighth North Adult Drug Court has been in operation since the year 2001. Court sessions are conducted in Hempstead County for both Hempstead and Nevada Counties. The program utilizes a pre-adjudication and post-adjudication process and is open to defendants who have committed eligible offenses. The Drug Court team meets monthly to consider those eligible for Adult Drug Court.

The Program consists of three phases. A defendant's progress through each phase is determined by their successful completion of phase-specific activities. Each phase requires attendance and participation in basic drug education and recovery concepts, relapse prevention, life skills, and basic education classes in addition of the following:

- Probation Office and Home Visits
- Frequent Drug Tests
- Individual Counseling Sessions
- Group Counseling Sessions
- Court Appearances
- 12-Step Program Attendance
- Obtain/Maintain Employment OR Enroll as a Full-Time Student
- Perform Community Service
- Participate as a Community Volunteer

The Program provides substance abuse services to a specific non-violent and non-sexual offender population. To be considered for admission, the following criteria must be met:

- Mandated referral by the 8th North Judicial Circuit Court
- Active or recent history of substance abuse or addiction within the past year
- Absence of physical or developmental conditions that would eliminate or greatly reduce the benefit of substance abuse services
- Absence of any uncontrolled psychiatric or emotional disorder
- If under 18 years of age, must be adjudicated as an adult
- Non-violent offender

- No current prescription use of opiate or benzodiazepines will be allowed in the program
- Medium to high-risk offender

b. Statutory Authority.

The program is conducted in conformance with Arkansas Code Annon.§16-98-301, et seq.

c. Certification.

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

d. Description of the Program's Use of Resources.

The Drug Court team consists of the Prosecuting Attorney, Department of Community Correction's Officer, Department of Community Correction's Counselor, Public Defender, Law Enforcement Representative and Circuit Judge Duncan Culpepper. However, Circuit Judge Joe C. Short may hear Adult Drug Court cases at any time.

Program resources include the following:

- Al-Anon
- NA and AA Meetings
- Work Force
- Public Housing
- UACCH – GED
- Various rehabilitation centers including, but not limited to Shalom, Harbor House, River Ridge, Chemical Dependency Unit in Camden, Arkansas.
- Mental Health Services with Southwest Arkansas Mental Health Counseling, as well as other mental health facilities while clients are in drug rehabilitation.

e. Source of Funding.

This program is funded by the Department of Community Correction.

JUVENILE DRUG COURT

The Eighth North Juvenile Drug Court will cease operation on December 31, 2021.

SWIFT COURT

The Eighth North Judicial Circuit SWIFT Court is no longer in operation.

State District Court Judges

11.

ADMINISTRATIVE ORDER NUMBER 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:

<u>Name</u>	<u>District Court Judicial District</u>	<u>Assignment and Allocation of Cases</u>
Judge Kolby Harper	38 th District	100% of Referred Matters

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.

The state district judges may hear ex parte petitions for order of protection when the circuit judges are not available.

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
Pro Se Uncontested Divorces	Circuit Courtroom / Hempstead County Courthouse Circuit Courtroom / Nevada County Courthouse

The state district judges may hear pro se uncontested divorces when the circuit judges are not available.

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
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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

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

- Yes
- No

When the Circuit Court refers a case to the State District Court Judge, the regular Court Reporter for the Circuit Court referring the case will record the proceeding.

Specialty Court Dockets or Programs

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

- Yes
- No

If a district judge presides over a circuit court specialty court, please provide the following information:

Type of Specialty Court	Location
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Not Applicable

- a. Type of specialty docket and description of its operation:
- b. Statutory or legal authority on which it is based:
- c. Certification of compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, probation fees.
- d. Use of court resources. *[Describe the court team including prosecuting attorneys, public defenders, and health professionals; that each has been consulted in setting up the program and its operation; scheduling has been coordinated; and the necessary resources are available.]*
- e. Sources of funding:

District Court Administrative Plans

The following district court administrative plans are appended for submission to the supreme court:

- 38th District – Hempstead County and Nevada County

APPROVAL

The Administrative Plan is unanimously adopted by the undersigned this the 6 day of

June, 2023.



JOE C. SHORT
CIRCUIT COURT JUDGE
Eighth Judicial District North, Division 1



DUNCAN CULPEPPER
CIRCUIT COURT JUDGE
Eighth Judicial District North, Division 2



KOLBY HARPER
DISTRICT COURT JUDGE
Thirty-eighth District,
Hempstead and Nevada Counties