

## ADMINISTRATIVE PLAN

### Second District

Composed of the Following Counties:

Washington and that portion of Benton County covered by Statute

#### 1. JUDGES

The Second District Court is a state district court served by four judges.

<u>Judge</u>	<u>Division Number</u>
Judge Taylor Samples	1 <sup>st</sup> Division
Judge Graham H. Nations	2 <sup>nd</sup> Division
Judge Clinton K. (Casey) Jones	3 <sup>rd</sup> Division
Judge Terra Stephenson	4 <sup>th</sup> Division

Are exchange agreements with other district judges utilized?

Yes  
 No

Pursuant to Administrative Order No. 18, at the request of the majority of the district judges of a district court, with the concurrence of a majority of the circuit judges of a judicial circuit, the administrative judge of the judicial circuit may designate one or more licensed attorneys to serve as a small claims magistrate to preside over the small claims division of the district court.

A small claims magistrate shall possess the same qualifications as a district court judge. The appointment shall be filed in writing and filed with the District Court Clerk.

Has a small claims magistrate been designated by the administrative judge of the judicial circuit?

Yes  
 No

## **2. DEPARTMENTS**

The statutory authority for the organization and designation of this district court is found at A.C.A. §16-17-1110(2)(A).

The judge(s) serve(s) in the statutorily designated departments of the court as follows:

<b>Judge</b>	<b>County</b>	<b>City Designated as Department</b>
Alternating	Washington/Benton	Springdale 201 Spring St. 72764
Division 4	Washington	Elm Springs 289 Jayroe Ave. 72728
Alternating	Washington	Johnson 2904 Main St. 72741
Alternating	Washington	Fayetteville 176 S. Church Ave. 72701
Division 4	Washington	Elkins 1874 Stokenbury 72727
Division 3	Washington	West Fork 262 Main St. 72774
Division 4	Washington	Greenland 8 E. Ross St. 72737
Division 2	Washington	Prairie Grove 955 E. Douglas St. 72753
Division 2	Washington	Lincoln 101 E. Bean St. 72744
Division 2	Washington	Farmington 354 W. Main 72730

## **Consolidation of City Courts with District Courts**

Pursuant to A.C.A. §16-17-1202, all city courts were consolidated with district courts on January 1, 2012, and former city courts became known as departments of the district court. If a town or city is no longer operating as a department of the district court, a copy of the local ordinance abolishing the city as a department of the court must be provided to the Administrative Office of the Courts.

Are all towns or cities statutorily designated as departments still operating as departments of the district court?

Yes  
 No

<b><u>Town/City Abolished as Department</u></b>	<b><u>Effective Date</u></b>
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A copy of the local ordinance abolishing the department of the district court has been attached.

### **3. OTHER JURISDICTIONAL AREAS**

The following cities and towns have police departments but have not been designated as statutory departments of the district court. Pursuant to A.C.A. §16-17-1203, these cities and towns contribute to the operational expenses of the district court and file cases in the district court.

<b><u>City/Town</u></b>	<b><u>Department Where Cases are Filed/Heard</u></b>
Goshen	Elkins
Tontitown	Elm Springs

### **4. COURT SESSIONS AND TYPES OF CASE BY SUBJECT MATTER (Criminal, Traffic, Civil and Small Claims)**

Pursuant to Administrative Order No. 18, each department of a district court shall hear cases in all of the subject matter divisions.

Sessions of the court are generally scheduled on the following days of the week at the following times:

### **1<sup>st</sup> Division – Judge Taylor Samples**

1. The 1<sup>st</sup> Division will hold court in the City of Springdale as follows:
  - a) Monday, Tuesday and Wednesday at 8:30am of each week (criminal arraignments);
  - b) The first and third Monday each month at 1:30pm (show cause hearings);
  - c) The second Monday of each month at 1:00pm (Benton County Jail arraignments by video);
  - d) Six Mondays a year on the fourth Monday (January, March, June, August, October and November) at 1:30pm (criminal trials on Washington County cases);
  - e) Each Tuesday at 1:30pm (Washington County Jail criminal arraignments by video);
  - f) The fifth Wednesday as needed at 1:30pm (civil cases);
  - g) Three Thursdays each month at 8:30am – usually the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> Thursday (criminal trials) except one Thursday each quarter of the year;
  - h) One Thursday each month at 10:00am (Benton County criminal arraignments by video) usually the third Thursday;
  - i) One Thursday each month at 1:30pm (Washington County Jail criminal arraignments by video) usually the 3<sup>rd</sup> Thursday
2. The 1<sup>st</sup> Division will hold court in the City of Johnson on the third Wednesday of each month at 12:30pm (criminal trials, civil and small claims)
3. The 1<sup>st</sup> Division will hold court at the Washington County Jail, in Fayetteville, on the third and fifth Friday of each month conducting first appearance hearings in felony criminal cases for the Fourth Circuit Judicial District pursuant to Administrative Rule 18, as well as first appearances for the cities of Fayetteville, Springdale, Johnson, Elm Springs, Tontitown, Prairie Grove, Farmington, Lincoln, Elkins, West Fork, Greenland and Goshen.

### **2<sup>nd</sup> Division – Judge Graham H. Nations**

1. The 2<sup>nd</sup> Division will hold court in the City of Prairie Grove as follows:
  - a) The first and third Tuesday of each month at 8:30am and 1:30pm (Criminal)
  - b) The second and fourth Tuesday of each month at 8:30am (Criminal arraignments, Civil and Small Claims)
2. The 2<sup>nd</sup> Division will hold court in the City of Farmington the second and third Wednesday of each month at 8:30am (Criminal, Civil and Small Claims)

3. The 2<sup>nd</sup> Division will hold court in the City of Lincoln the second and fourth Tuesday of the month at 1:30pm (Criminal, Civil and Small Claims)
4. The 2<sup>nd</sup> Division will hold court in the City of Springdale the fourth Wednesday of the month at 1:00pm (Civil)
5. The 2<sup>nd</sup> Division will hold court in the City of Fayetteville on the second and fourth Monday of each month at 1:30pm (Civil)
6. The 2<sup>nd</sup> Division will hold court at the Washington County Jail, in Fayetteville, each Monday at 8:00am conducting first appearance hearings in felony criminal cases for the Fourth Circuit Judicial District pursuant to Administrative Rule 18, as well as first appearances for the cities of Fayetteville, Springdale, Johnson, Elm Springs, Tontitown, Prairie Grove, Farmington, Lincoln, Elkins, West Fork, Greenland and Goshen.

#### **3<sup>rd</sup> Division – Judge Clinton K. (Casey) Jones**

1. The 3<sup>rd</sup> Division will hold court in the City of Fayetteville as follows:
  - a) Each Monday and Thursday at 8:00am (Criminal)
  - b) Each Wednesday at 1:30pm (Criminal)
  - c) The second Monday of the month at 1:30pm (Small Claims)
2. The 3<sup>rd</sup> Division will hold court in the City of West Fork as follows:
  - a) Each Thursday at 2:30pm (Criminal)
  - b) The first Monday of the month at 1:00pm (Civil and Small Claims)
3. The 3<sup>rd</sup> Division will hold court at the Washington County Jail, in Fayetteville, each Wednesday at 8:00am conducting first appearance hearings in felony criminal cases for the Fourth Circuit Judicial District pursuant to Administrative Rule 18, as well as first appearances for the cities of Fayetteville, Springdale, Johnson, Elm Springs, Tontitown, Prairie Grove, Farmington, Lincoln, Elkins, West Fork, Greenland and Goshen.

#### **4<sup>th</sup> Division – Judge Terra Stephenson**

1. The 4<sup>th</sup> Division will hold court in the City of Elkins at follows:
  - a) The first, second and fourth Tuesday of the month at 1:00pm (Criminal)
  - b) The third Tuesday of the month at 1:00pm (Civil, Small Claims and Criminal arraignments).
2. The 4<sup>th</sup> Division will hold court in the City of Johnson on the first and third Mondays of each month at 1:00pm (criminal arraignments).

3. The 4<sup>th</sup> Division will hold court in the City of Elm Springs as follows:
  - a) The second Monday of each month at 1:00pm (Civil, Small Claims and Tontitown criminal arraignments).
  - b) The first, second, third and fourth Wednesday of each month at 1:00pm (criminal arraignments)
  - c) The first Wednesday of each month at 3:00pm (criminal show cause hearings)
  - d) The second Wednesday of each month at 3:00pm (Elm Springs trials)
4. The 4<sup>th</sup> Division will hold court in the City of Greenland the fourth Monday of the month at 1:00pm (Criminal, Civil and Small Claims).
5. The 4<sup>th</sup> Division will hold court in the City of Springdale on one Thursday each quarter at 8:30am (Springdale criminal trials)
6. The 4<sup>th</sup> Division will hold court at the Washington County Jail, in Fayetteville, on the first and fifth Friday at 8:00am conducting first appearance hearings in felony criminal cases for the Fourth Circuit Judicial District pursuant to Administrative Rule 18, as well as first appearances for the cities of Fayetteville, Springdale, Johnson, Elm Springs, Tontitown, Prairie Grove, Farmington, Lincoln, Elkins, West Fork, Greenland and Goshen.
7. The 4<sup>th</sup> Division will hold court at the courthouse located at 10 S. College Ave. on Thursdays at 1pm for Mental Health Diversion Court.

**Mandatory Holding of Court in Departments of a District Court**

Pursuant to A.C.A. §16-17-138, sessions of court must be held at least one (1) time per month in each department unless mutually waived by the district court judge and the governing body of the city or town where the department is located.

Is court held in each town or city designated as a department of the district court at least one (1) time per month?

Yes  
 No

A written agreement waiving the mandatory holding of court for departments of a district court has been entered into and has been adopted by ordinance of the governing body of the city or town in which the department is located.

The ordinance(s) has/have been attached to this plan.

Based upon said written agreement, sessions of court for the \_\_\_\_\_ Department are held in the \_\_\_\_\_ Department.

Pursuant to Administrative Order No. 18, a warrant docket shall be established within the criminal division. The docket shall be divided into a "search warrant docket", designated by the prefix "SW" and an "arrest warrant docket," designated by the prefix "AW". The warrant docket is used for warrants that have been returned either executed or unexecuted when a case file has not yet been opened. If a criminal case is subsequently opened, the information in the warrant docket related to the criminal case is transferred to it.

Has the warrant docket has been established within the criminal division?

Yes  
 No

#### **5. 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

The following matters have been referred by the circuit court and have been included in the circuit court administrative plan:

Consent Jurisdiction. Upon the consent of all parties, 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 describe the types of other matters referred below and the location where these matters are heard.*

<u>Type of Other Matters</u>	<u>Hearing Location</u>
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Other Matters, if Jurisdiction for the Reference and Procedures to be Employed are Sufficiently Demonstrated in the Circuit Court Administration Plan Pursuant to Administrative Order No. 14. *Please describe the types of other matters referred below and the location where these matters are heard.*

<u>Type of Other Matters</u>	<u>Hearing Location</u>
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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

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

- Yes
- No

## 6. SPECIALTY COURTS

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

Yes  
 No

The following specialty courts are conducted:

<u>Type of Specialty Court</u>	<u>Location</u>
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a. Type of specialty docket and description of its operation:

The Washington County Mental Health Court is a voluntary, multi-phase intervention program for adult Washington County residents who have been accused of, or who have pleaded guilty to, felony or misdemeanor criminal charges and who also have a serious or persistent underlying mental health disorder (as defined in A.C.A. §16-100-101) that contributed to their arrest. The program will accept participants on a pre-adjudication basis. Participants must agree to a case duration of at least fourteen months with additional time added depending on each participant's progress through the program. To be eligible, the defendant must not have a previous conviction for a serious felony involving violence as defined in A.C.A. §5-4-501 (c)(2) or a previous conviction that would require registration as a sex offender. The defendant must also be identified as high-risk/high-need as determined by a validated risk-needs assessment tool.

b. Statutory or legal authority on which it is based:

This specialty court program is authorized under A.C.A. §16-100-201 through 209. Pursuant to §16-100-204(b)(2), the Circuit Court Judges of the Fourth Judicial Circuit have determined that the judicial circuit does not have a circuit judge who is available to administer the Washington County Mental Health Court program on a consistent basis and have designated District Court Judge Terra Stephenson to administer the mental health specialty court program.

c. Certification of compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, or probation fees.

The Washington County Mental Health Court operates in compliance with all applicable sentencing laws, including fines, fees, costs, and probation assessments.

d. Use of court resources

The Washington County Mental Health Court operates in the courthouse located at 10 South College Avenue in Fayetteville and will meet on Thursdays at 1pm. A court reporter and bailiff will be employed on an hourly basis and paid through a federal grant. Other staff will consist of a district court judge, a prosecuting attorney already employed with the Fourth Judicial Circuit Prosecuting Attorney's Office, a Court Services Officer acting as the case coordinator and probation officer who will be staffed through the Washington County Sheriff's Office, and a defense attorney who is donating their time on a pro bono basis unless we receive state funds for a public defender. Treatment is provided by the treatment partner, Arisa Health, and paid for by a sub award from the grant.

e. Sources of funding:

The Washington County Mental Health Court receives support through Washington County, the Fourth Judicial Circuit Prosecuting Attorney's Office, the Washington County Sheriff's Office, and a federal grant through the Bureau of Justice Assistance.

This specialty court was established in the circuit court administrative plan, but the judicial circuit does not have a circuit judge who is available to administer the specialty court on a consistent basis. Accordingly, the administrative plan for the judicial circuit required by Administrative Order No. 14 of the Supreme Court designated a district court judge to administer this specialty court program.

## 7. OTHER PROGRAMS OR DOCKETS

Does a district court judge preside over other programs or dockets?

Yes  
 No

The following programs or dockets are administered:

Name of Docket	Location
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.	

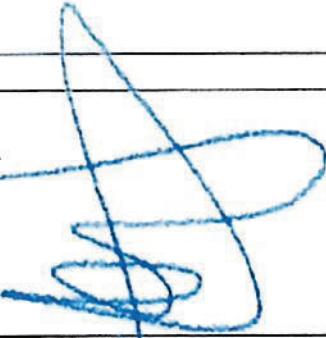
d. Use of court resources. [Describe the court team including prosecuting attorneys, public defenders, and health professionals; that each has been consulted in setting up the program and its operation; scheduling has been coordinated; and the necessary resources are available].

e. Sources of funding:

#### **8. EFFECTIVE DATE**

This Administrative Plan is effective January 1, 2025.

  
Taylor Samples, State District Judge  
District 2, Division 1

  
Graham H. Nations, State District Judge  
District 2, Division 2

  
Clinton K. (Casey) Jones  
State District Judge  
District 2, Division 3

  
Terra Stephenson, State District Judge  
District 2, Division 4