

**IN THE CIRCUIT COURTS OF THE
TWENTY-THIRD JUDICIAL CIRCUIT OF ARKANSAS
2023 ADMINISTRATIVE PLAN
PURSUANT TO ADMINISTRATIVE ORDER
NUMBER 14**

AMENDED ADMINISTRATIVE PLAN

I. PREAMBLE:

Pursuant to Administrative Order Number 14 of the Arkansas Supreme Court, the Circuit Judges of the Twenty-third Judicial Circuit of Arkansas and the District Judges of the Thirtieth District, establish and promulgate the following Administrative Plan for the purpose of judicial administration, the designation of divisions, and the management of caseloads of the divisions. The Twenty-third Judicial Circuit and the Thirtieth State District consists of Lonoke County, Arkansas. There are currently three (3) judges serving this circuit and two (2) State District judges. The current judges and the division they hold are as follows:

23rd Judicial Circuit

Judge Barbara Elmore, Division 1

Judge Ashley Parker, Division 2

Judge Sandy Huckabee, Division 3

30th State District

Judge Teresa Smith, Division 1

Judge Clint McGue, Division 2

II. DIVISIONS

A. Each of the three (3) circuit judges in the Twenty-third Judicial Circuit of Arkansas will have, at all times, the authority to hear all matters within the jurisdiction of the circuit court and will have the affirmative duty to do so regardless of the designation of divisions. There is established in the Twenty- third Judicial Circuit the following five subject matter divisions: civil, criminal, domestic relations, juvenile, and probate. The designation of divisions and subdivisions is to promote judicial administration and caseload management and is not for the purpose of subject matter jurisdiction. The creation of divisions shall not limit the powers and duties of the judges as circuit judges. Judges shall not be assigned exclusively to a particular division so as to preclude them from hearing other cases which may come before them.

B. Intent of Administrative Plan: It is the intent of the circuit judges of the Twenty-third Judicial Circuit to hear all types of cases found in the five subject matter divisions. However, in determining the process for assignment and

allocation of cases in the Twenty-third Judicial Circuit several factors were taken into consideration which include, but are not limited to, the following:

1. Limitations on court room space, courtroom personal, parking facilities and accommodations available to the public;
2. Efficient utilization of jury panels; Equal apportionment of cases based upon past case filing and time frames peculiar to different types of cases.
3. Limited resources in support staff for different forms of litigation including but not limited to, prosecutorial staff, public defenders, attorney ad litem, juvenile intake and probation officers, adult probation officers, O.C.S.E. staff, as well as social workers and specialized staff of the Arkansas Department of Human Services.
4. The cost and expense to the county in the implementation of the plan. Based upon these considerations, we have determined that the following administrative approach is appropriate and necessary to meet the unique and special needs within our circuit and allow for the appropriate random selection of cases.

C. For purposes of this order:

1. "Civil" means cases relating to all other matters not relating to Probate, Domestic Relations, Juvenile, or Criminal.
2. "Criminal" means cases relating to all matters involving the Arkansas Criminal Code except Juvenile delinquency matters.
3. "Domestic Relations" means cases relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse.
4. "Drug Treatment Court".
 - (A) The "Drug Treatment Court" means the "Adult Drug Treatment Court" and "Veterans Treatment Court" (for veterans) which operate together under the 23rd Judicial District Post-Adjudication Drug Treatment Court in Lonoke County. The Drug Treatment Court is dedicated exclusively to alternative adjudication and treatment of persons charged with criminal offenses found eligible for participation in the program. The Drug Treatment Court has been in operation since 2004. Judge Ashley Parker, division Two, shall preside over the Drug Treatment Court. Court sessions are conducted at the Lonoke County Courthouse Annex Courtroom.
 - (B) The Drug Treatment Court operates pursuant to A.C.A. Section 16-98-303 (Adult Drug Treatment Court) and A.C.A. Section 16-101-101 (Veterans Treatment Court).
 - (C) The Drug Treatment Court conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments.
 - (D) The Drug Treatment Court Team utilizes the court resources of a deputy prosecutor, public defender, public defender administrative

assistant, veteran's coordinator, and representatives from the Lonoke County Probation Office, including probation officers and a counselor. The Drug Treatment Court Team works collaboratively and attends and participates in all Drug Treatment Court staffing and hearings. These resources are available and provided by and through their respective offices and one of their specific job responsibilities is working in the Drug Treatment Court.

(E) The Drug Treatment Court is funded through State and Federal Grant Programs.

5. "Juvenile" means cases relating to Families in Need of Services, dependency neglect, and delinquency, Fins Truancy, juvenile adoptions.

6. "Probate" means cases relating to decedent estates, trust administration, adoptions, guardianship, conservatorship, commitment, and adult protective custody.

III. ADMINISTRATIVE PLAN:

The circuit judges of Twenty-third Judicial Circuit submit this Administrative Plan for circuit court administration, signed by majority of circuit judges, to the Supreme Court of Arkansas for approval. The plan includes the following:

A. Administrative Policy:

The Twenty-third Judicial Circuit has adopted this written policy which describes the process by which case management and administrative procedures, to be used within the judicial circuit, will be determined.

B. Case Assignment and Allocation:

1. Except for good cause to the contrary, the case assignment and allocation of cases, (a) shall be by random selection of unrelated cases, and (b) shall be a substantially equal appointment of cases among the circuit judges of the Twenty- third Judicial Circuit.

2. Cases are assigned in accordance with context results in (a) a random assignment of cases where appropriate and (b) a substantially equal appointment of cases among the judges.

C. Criminal docket:

1. The judge of division One (Judge Barbara Elmore) will be assigned all of the criminal matters (100%) based upon equal apportionment of cases, limited resources of facilities and support staff. All Drug Court cases will be transferred to the judge of division Two (Judge Ashley Parker).

2. Petitions to Revoke a Probation or Suspended Sentence are treated as a new case filing and **all but former drug court cases** are assigned to the judge of division One (Judge Barbara Elmore). **However, all former drug court cases shall be assigned to division Two (Judge Parker).** This is implemented to assist Courtroom space, public defenders, prosecutor's office and judicial economy. All probation violations and suspended sentences are scheduled for particular days in division One. All drug court cases are, also, assigned a particular day for the assistance of public defenders, prosecutors and drug court staff. This schedule not only assist the circuit court judges with space, jury trials and bench trials; nonetheless, it promotes judicial economy. This circuit is limited in the amount of public defenders assigned and their schedules are taken into consideration with this assignment.

3. All judges will when needed and as time allows assist with processing criminal matters such as but not limited to probable cause affidavits, search warrant and first appearances.

4. When a petition to transfer a criminal charge or a delinquency petition is filed under Arkansas Code Annotated section 9-27-318, this judicial district agrees to follow the statute. The judge of the juvenile division shall hold a transfer hearing when a petition is filed to move delinquency charges to circuit court. If the case is transferred, the delinquency charges shall be transferred to criminal charges. However, when a transfer hearing is held to transfer a defendant from circuit court to juvenile court, the circuit court judge shall conduct the hearing. If the circuit court division transfer the charges, the case shall proceed in juvenile division and the charges shall be converted into a delinquency petition.

D. Civil docket:

1. The judge of division Three (Judge Sandy Huckabee) will be assigned all civil matters (100%) based upon equal apportionment of cases, limited resources of facilities and support staff. All reopened cases will be treated as a new case filing and assigned to judge of division Three (Judge Sandy Huckabee). Reopening all civil cases into division Three assist with the scheduling of cases and judicial economy, especially the handling of civil jury trials.

2. All judges will when needed and as time allows assist with processing civil matters such as but not limited to preliminary injunctions or temporary restraining orders.

E. Juvenile docket:

1. The judge of division One (Judge Barbara Elmore) will be assigned all dependency neglect matters. Division One will be the primary administrator of the juvenile court system. These duties include, but are not limited to: the hiring and supervision of juvenile staff, the administration of juvenile programs, the oversight of budgets of the juvenile support systems and any other duties previously delegated to juvenile judges under the laws of the State of Arkansas.

2. The judge of division Two (Judge Ashley Parker) will be assigned all delinquency and family in need of services matters. All revocations will be treated as a new case filing and assigned to judge of division Two (Judge Ashley Parker). All revocations are assigned to division Two to assist division One's case load, prosecutor's office, public defender's office and for judicial economy.

3. All judges will when needed and as time allows assist with processing juvenile matters such as but not limited to D.H.S. emergency petitions and detention issues.

F. Domestic docket:

1. The judge of division Two (Ashley Parker) will be assigned all divorce, paternity, visitation, annulments, contempt-domestic relations, custody, separate maintenance, divorce cases and paternity cases. Also, division Two will be assigned all cases reopened in Domestic Relations that originated in division One, division Two, and division Three. This assignment assist division One and division Three with their caseload. Also, it assist with scheduling and judicial economy.

G. Probate docket:

1. The judge of division Three (Sandy Huckabee) will be assigned all probate matters (100%) based upon equal apportionment of cases, limited resources of facilities and support staff. The assignment of all probate matters to division Three will include all reopening of probate matters regardless of division origination. The assignment of reopened cases assist the judges with scheduling, courtroom space, and the prosecutor's office and public defender's office when engaged in commitments, and for judicial economy.

2. All judges will when needed and as time allows assist with processing probate matters such as but not limited to petitions for involuntary commitment and Adult Protective Services emergency petitions and emergency guardianships.

ADMINISTRATIVE ORDER NO. 18 REFERRALS FROM CIRCUIT COURT.

A. State District Judges have received the consent of all parties and approval by the circuit judge originally assigned to domestic relations.

1. The state district judges participating in referrals from circuit court include:
 - a. Teresa Smith, Judicial District 30, division One will be assigned all Order of Protection cases. Division One was assigned 299 matters in 2020. This State District Court only has one attorney appointed to assist the Court in these matters. Due to staffing and courtroom space, only one judge can hear these matters.
 - b. Clint McGue, Judicial District 30, division Two will be assigned all Child Support cases. Division Two was assigned a total of 245 new and re-opened cases. The assignment assist the Office of Child Support Enforcement Office (OCSE) with the handling of child support. OCSE only has one attorney to handle all their cases in the 23rd Circuit. It assist the circuit judges and the one OCSE attorney to have all child support cases scheduled by this judge.
 - c. Both divisions of Judicial District 30 have audio recording equipment to make a verbatim record of all matters referred from circuit Court.
 - d. Both divisions of Judicial District 30 assist Circuit Judges with first appearances. Each judge, district and circuit, rotates first appearances for a period of two weeks. Therefore the District Judges have first appearances every eight to ten weeks for a period of two weeks.
 - e. The above listed matters are all the referrals made to the state district judges of Judicial District 30.

2. All Circuit Judges will when needed and as time allows assist with processing domestic matters such as but not limited to petitions for order of protection and mutual orders of restraint.

H. Caseload estimate:

1. In 2021, division One had 1058 criminal cases assigned to it. This included all new filings in division One and all criminal cases transferred from division Two and Three. Also, division One had 61 dependent/neglect and juvenile adoptions. Division One had a total of 1,119 cases assigned to it last year. Division Two had 784 domestic cases filed and transferred to division Two. Also, division Two had 117 delinquency, family in need of services, Fins

Truancy assigned and transferred to division Two. Division Two had a total of 901 cases. Division Three had 901 civil cases assigned to it. This included all new filings in division Three and cases transferred from division One and Two. Also, division Three had a total of 514 probate cases filed. Therefore, division Three had a total of 1,414 cases assigned to it last year.

2. It is estimated, based upon statistical average of filings provided by the Administrative Office of the Courts, this is not an equally apportioned caseload for the forthcoming year. However, due to the limited physical plant (courtroom) constraints and courtroom personal, this plan allows division One and division Three to proceed with more civil and criminal jury trials in the next year. All three judges understand that assignments may need to be adjusted as needed with an approved Administrative Plan.

3. It is recognized in the implementation of this plan that the above numbers do not include the hundreds of contempt filings, case review hearings, probation reviews, first appearances and other judicial matters not considered by the Administrative Office of the Courts in statistical reports.

4. It is recognized in the implementation of this plan that certain judicial matters require more time in the court room on the record than other judicial matters. It is recognized in the implementation of this plan that an equally apportioned caseload per division may not be achieved. It is believed that based upon the factors set forth, (only one jury trial courtroom) this plan will meet the unique and special needs within the 23rd Judicial Circuit

I. Plan implementation:

1. Administrative Judge: Judge Barbara Elmore was previously elected Administrative Judge for the circuit. Judge Elmore will serve as Administrative Judge until such time as the next election is required in accordance with Administrative Order No. 14. The Administrative Judge will exercise the powers granted under Administrative Order No. 14 to effectuate the provisions and goals of this administrative plan.

2. Meetings: All judges will meet at the direction of the Administrative Judge, at least on a quarterly basis, to discuss and insure that the business of the court is apportioned among the circuit judges as equally as possible, that case assignments are made in accordance with the administrative plan and other matters that affect the efficient administration of justice within the 23rd Judicial Circuit.

3. Modification: Modification of the administrative plan's apportionment of cases will be majority vote of the judges and approval by the Arkansas Supreme Court. If a vacancy occurs in one of the three (3) divisions, this could necessitate a need for modification of the plan. In the event of vacancy, seniority will be given consideration in plan modification. The most senior judge will have first option in plan modification resulting from any vacancy. The use of seniority may not be used to circumvent equal apportionment of caseload, the intent of the administrative plan, is for the fair administration of justice.

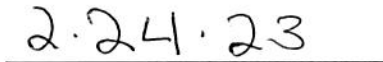
4. Effective Date: The effective date for this plan will be February 21, 2023.

IV. Approval.

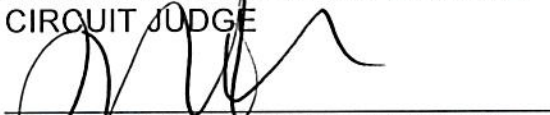
By the signatures attached hereto the Circuit Judges of the 23rd Judicial Circuit approve the submission and request approval of the amended case plan.

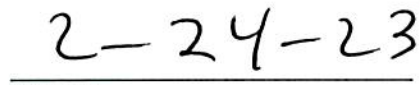


HONORABLE BARBARA ELMORE
CIRCUIT JUDGE

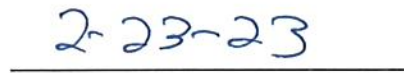


DATE


HONORABLE SANDY HUCKABEE
CIRCUIT JUDGE


DATE


HONORABLE ASHLEY PARKER
CIRCUIT JUDGE


DATE