

IN THE CIRCUIT COURTS OF THE 19TH JUDICIAL DISTRICT WEST

ADMINISTRATIVE PLAN

WHEREAS, the Arkansas Supreme Court has adopted Administrative Order No. 14, as amended; and

WHEREAS, said Administrative Order allows for the division of cases among the six Circuit Judges with criminal, civil and juvenile cases permitted to be separate; and

WHEREAS, the Circuit Judges of the 19th Judicial District West have taken into account the physical facilities, personnel available, historical statistical data from the Administrative Office of the Courts and the Benton County Circuit and Probate Clerks, the projected case load of each Judge, the experience and abilities of the individual Judges to promote prompt and efficient resolution of cases; and

WHEREAS, 2007 Ark. Acts, No. 663, provides that the District Courts of the 19th West Judicial District shall be subject to the superintending control of the Circuit Court of the 19th West Judicial District; and

WHEREAS, effective January 1, 2012, there are Six (6) Divisions of the 19th West Judicial District, duly qualified to the designated Divisions of Circuit Court, as follows:

Robin Green	Division One
Jon Comstock	Division Two (Currently held by David Clinger)
Mark Fryauf	Division Three (Currently held by Jay Finch)
John R. Scott	Division Four
Xollie Duncan	Division Five

FILED
2011 DEC 6 AM 10 03
BRENDA DESHIELDS
CLERK & RECORDER
BENTON COUNTY, AR

Doug Schrantz Division Six

IT IS, THEREFORE, CONSIDERED, ORDERED AND AGREED by the Circuit Judges of the 19th Judicial District West, as follows:

I.

DIVISIONS

The existence of Divisions shall not be construed to limit or preclude Judges from hearing other cases that may come before them. At times when one or more of the Judges may be absent or unavailable another Judge may be called upon to act upon matters assigned to another Division of Circuit Court.

II.

ASSIGNMENT OF CASES

1. **CRIMINAL CASES**: Criminal cases shall be randomly and equally assigned to Divisions One and Two.
2. **JUVENILE CASES**: Juvenile cases shall be and hereby are assigned to Division Three.
3. **DOMESTIC RELATIONS AND PROBATE**: Domestic Relations and Probate cases shall be randomly and equally assigned to Divisions Three, Four, Five, and Six, provided, however, that Probate and Domestic Relations cases involving a child or party in an open and pending Juvenile proceeding shall be transferred to Division Three.

4. CIVIL CASES: The Circuit Clerk shall not accept, for filing, any original actions seeking a remedy pursuant to 2007 Ark. Acts, No. 1004. All other Civil cases shall be randomly assigned as follows, to-wit:

<i>Division One</i>	<i>10%</i>
<i>Division Two</i>	<i>10%</i>
<i>Division Four</i>	<i>27%</i>
<i>Division Five</i>	<i>27%</i>
<i>Division Six</i>	<i>26%</i>

The total projected caseload for each Division based upon the above proposed allocation of cases is attached hereto as Exhibit A. Estimated weighting of cases accounts for the differences in case numbers.

5. RECUSALS AND TRANSFERS:
- a. No case shall be transferred from one division to another solely on the basis that the case includes issues and/or remedies sounding in both law and equity.
 - b. Recusals from Criminal, Domestic Relations, and Probate cases shall first be transferred to the other Division(s) assigned to hear like cases. In the event both Divisions assigned to hear a criminal case should recuse, the case shall be randomly assigned to Divisions Three, Four, Five and Six. In the event all Divisions assigned to hear Domestic Relations and Probate cases shall recuse, the case shall be randomly assigned to Divisions One and Two. Recusals from civil cases shall be reassigned in the manner provided for the initial assignment of civil cases.
 - c. Recusals from Division Three, on Juvenile cases originally assigned to that Division, shall be randomly assigned to Divisions Four, Five and Six. If recused from Four, Five and Six, the recusal shall be randomly assigned to Divisions One and Two.
 - d. A Judge recusing from a case or transferring a case shall cause an Order of Recusal and/or Transfer to be entered of record. The clerk of the court shall cause one of the markers (marbles) of the

recusing or transferring Court to be returned to the appropriate "selection container" to be drawn again in the random selection method. (See Section III. Random Assignment). This shall not apply to transfers from Division Three to Divisions One or Two of juvenile delinquency cases for disposition as an adult criminal case.

For recusals or transfers from Division Three, the clerk shall take the last domestic relations case drawn by the receiving court and that case shall be automatically reassigned to Division Three. Notwithstanding the above provision, if the "last domestic case drawn by the receiving court" has already been set for hearing, the clerk shall take the next domestic relations case drawn by the receiving court and that case shall be automatically reassigned to Division Three and the marble drawn for that receiving court shall be placed back in the jar. The clerk shall strike through the Division number on the file and replace it with a "3". The clerk shall include the following form in the case file of the reassigned case to explain the reassignment:

"This case is reassigned to Division Three pursuant to the Administrative Plan of the Nineteenth Judicial District West, due to the recusal of Division Three in case number _____
_____.

Deputy Clerk

Date"

- e. The Clerk shall maintain a Recusal and Transfer Orders Book in which a copy of each and every Order of Recusal and/or Transfer shall be recorded and preserved in chronological order according to the Division of court recusing or transferring the case and the Division to which the case is assigned or transferred.

- f. In the event all Judges in the 19th Judicial District West shall recuse from a case, the Administrative Judge shall notify the Chief Justice of the Arkansas Supreme Court for appointment of a Special Judge to hear such case. All such cases shall be transferred to Division Seven, and a copy of the recusals as well as the notification from the Administrative Judge to the Chief Justice shall be placed in the Recusal and Transfer Orders Book by the Clerk of the Court.

- g. The circuit clerk is hereby instructed to indicate in the administrative records and in the Transfer Orders Book, the transfer of a criminal case to Drug Court once the order from Drug Court approving the criminal defendant's case being transferred to Drug Court is entered. If a defendant is terminated from Drug Court, the criminal case shall be returned to the Division where it originated.

III.

RANDOM ASSIGNMENT

The assignment of cases shall be random. The Clerks shall use the colored marble or marker system to ensure random selection until the Administrative Office of the Courts provides suitable software for random assignment by computer. The Clerk is directed not to draw a colored marker to determine which Division the case will be assigned until such time as the file mark of the Clerk has been affixed and shall not draw more than one marker at a time. The Clerk making the draw from the container shall not look at the markers to be drawn, but is to make the draw in the blind. The Clerk is prohibited from making the Division assignment known until the colored marker designating the Division has been drawn and the number affixed to the pleading initiating the case. The Clerk is to maintain a separate criminal, civil, domestic relations, probate, and juvenile docket for each of the respective numerical Divisions.

IV.

ADMINISTRATIVE JUDGE

The Administrative Judge shall be selected on or before the first day of February, unanimously and by secret ballot every two years beginning at the end of the term of the current Administrative Judge. The term of the current Administrative Judge ends January 31, 2013.

Any vacancy in the office shall be dealt with as provided in Administrative Order 14 as amended.


The Administrative Judge shall, in general, perform the duties as required under Administrative Order 14, as amended. The Administrative Judge shall, specifically perform the following duties:

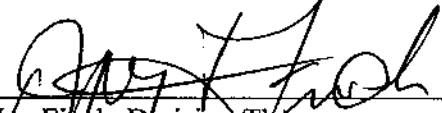
1. Communicate with the Chief Justice as necessary regarding administration of the Plan in the 19th Judicial District West. Copies of all written communication sent or received shall be provided by the Administrative Judge to the other five Judges in the Circuit. In the event the communication is not in writing, a summary of the communication shall be provided to the other five Judges in the Circuit by the Administrative Judge.
2. Insure the Administrative Plan and its implementation are consistent with Amendment 80 and the orders of the Supreme Court.
3. Insure that the business of the Court is apportioned among the Circuit Judges as equally as possible, and that case assignments are made in accordance with the Administrative Plan. The Administrative Judge shall have the authority to enter orders and otherwise require the Circuit Judges in the district to perform the duties set out by the Arkansas Supreme Court in Rule 8.1 of the Arkansas Rules of Criminal Procedure when he/she deems it appropriate.
4. Call meetings to modify the Administrative Plan should the case apportionment become unequal. Modification of the Administrative Plan's apportionment of cases shall be done only by majority vote of the five Judges.

5. Compute, develop, and coordinate case statistics and/or other management data for the 19th Judicial District West.
6. Submit the Administrative Plan of the 19th Judicial District West to the Supreme Court by July 1 of alternate years beginning with 2011.
7. Call meetings on his/her own accord or at the request of any other Judge.
8. Resolve any conflicts that may arise over the scheduling of jury-equipped courtrooms by Divisions Three with Divisions One, Two, Four, Five and Six. The matter will be submitted to the Administrative Judge only after the Judges, through their case coordinators, have attempted to schedule jury trials as requested by Division Three and have not been able to complete such scheduling to the satisfaction of the Judges.

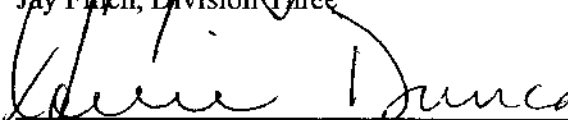
IT IS SO ORDERED AND AGREED THIS 24th day of June, 2011.


 Robin Green, Division One


 David Clinger, Division Two


 Jay Finch, Division Three


 John R. Scott, Division Four


 Xollie Duncan, Division Five


 Doug Schrantz, Division Six

CERTIFICATION

The undersigned, as Administrative Judge of the 19th Judicial District, certifies that, in accordance with Amendment 80 and Administrative Order 14, as amended, the foregoing Administrative Plan results in an equal apportionment of caseload among the Judges of the District, requires random assignment of cases, and takes into consideration the physical facilities, financial constraints, personnel available, experience and abilities of the individual Judges in the 19th Judicial District, and complies with the letter and the spirit of Amendment 80 and Administrative Order 14, as amended.

A handwritten signature in cursive script, reading "Xollie Duncan". The signature is written in black ink and is positioned above a horizontal line.

Xollie Duncan
Administrative Judge

CASE DIVISION STATISTICS WITH PROJECTION FOR 2011

DIVISION ONE			TOTAL—1104
DIVISION TWO			TOTAL—1103
DIVISION THREE	JUVENILE—976	DOM REL—501	TOTAL—1673
		PROBATE—196	
DIVISION FOUR	CIVIL—918	DOM REL—500	TOTAL—1613
		PROBATE—195	
DIVISION FIVE	CIVIL—918	DOM REL—500	TOTAL—1613
		PROBATE—195	
DIVISION SIX	CIVIL—918	DOM REL—500	TOTAL—1613
		PROBATE—195	