

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

CASEY D. COPELAND

PLAINTIFF

v.

CASE NO. 4:21-CV-477-DPM

**MARTY SULLIVAN, IN HIS OFFICIAL
CAPACITY AS DIRECTOR, ARKANSAS
ADMINISTRATIVE OFFICE OF THE
COURTS AND STASIA BURK
MCDONALD, IN HER OFFICIAL
CAPACITY AS DIRECTOR OF THE
ADMINISTRATIVE OFFICE OF THE
COURTS' DEPENDENCY-NEGLECT
ATTORNEY AD LITEM PROGRAM**

DEFENDANTS

**RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

I. INTRODUCTION

It is a well-established principle of law that a government employer must be afforded wide discretion and control in its management of personnel matters and other internal affairs. *Shands v. City of Kennett*, 993 F.2d 1337, 1344 (8th Cir. 2001). “When a government employee purports to speak on behalf of the government employer, [by signing a communication with his or her official title and therefore connecting the agency to the communication] the employer has a strong interest in controlling the speech.” *Deschenie v. Brd of Educ. of Cent. Consol. Sch. Dist. No. 22*, 473 F.3d 1271, 1281 (10th Cir. 2007).

Plaintiff Casey Copeland, a contractor with the Administrative Office of the Courts (“AOC”), an agency of the judicial branch, sent a politically-charged email stating he hoped the courts would strike down a recently passed piece of legislation.

Importantly, Copeland sent the email from the same account from which he regularly conducted AOC business, signed the email with his official title, and included a link to the AOC's website. It was this unauthorized use of his title and the AOC website, and the aura of authority such a use conveyed—not the content of his email—which eventually resulted in the termination of his contract with AOC.

Copeland filed this action pursuant to 42 U.S.C. § 1983 alleging AOC Defendants violated his First Amendment rights by terminating his contract in retaliation for his speech. Copeland seeks injunctive relief in the form of reinstatement of his current contract, set to expire June 30, 2021, and a mandatory one-year renewal of the contract.

Copeland's request for injunctive relief must be denied. First, Copeland will be unable to establish the speech at issue comes under First Amendment protections, or that if his speech is protected, that his speech outweighs the AOC's interest in regulating speech bearing its likeness. Second, under the doctrine of sovereign immunity, Copeland may only seek prospective injunctive relief to remedy an ongoing constitutional violation. Copeland's current contract ends June 30, 2021, and no negotiations or discussions to renew his contract occurred prior to his termination.

II. BACKGROUND AND FACTS

Defendants are employees with the Administrative Office of the Courts. DE 01. The AOC is the agency within the judicial branch of government that supports state courts on behalf of the Arkansas Supreme Court. Ex. 1 at ¶ 2.

Because the AOC is a branch of the judiciary, it is imperative that it appears impartial to the public at large. *Id.* at ¶ 3. To protect its appearance of impartiality, the AOC has put in place certain provisions, including, but not limited to: requiring full-time staff to take a leave of absence when running for office, requiring staff to take leave when testifying before the General Assembly on private matters, restricting any political activity to non-work hours, and prohibiting staff from using their title or employment with the AOC in conjunction with any political activity. *Id.* at ¶ 5; *see generally* Ex. 2; *see generally* DE 02-20.

While certain policies explicitly apply only to full-time staff, such policies implicitly extend to contractors as both employees and contractors are required to protect the integrity of the AOC as a prerequisite for employment. DE 02 at 52. For example, section III of the Ad Litem handbook, “Professional Conduct” states:

[Attorneys Ad Litem “AALs”] are expected to help preserve and protect the reputation and integrity of the AAL program and the AOC internally and externally at all times. AALs are expected to act in a professional manner when dealing with co-workers, clients and their families, court personnel, DCFS, program staff, service providers, foster parents and stakeholders.

The AAL shall not engage in any conduct that undermines the morale or effectiveness of the program or the courts.

Id. Additionally, the manual cautions that ad litem should maintain separate and designated social media accounts for business and personal use. *Id.*

In March 2021, Copeland was contracted as a part-time attorney ad litem with the AOC. DE 01 at 9-14. Copeland previously worked for the AOC as a full-time employee but stepped down in order to run for partisan public office, which

contractors are permitted to do. Ex. 1 at ¶ 9-10. As part of his employment, Copeland received the AOC policy manual and the AAL handbook. Ex. 1 at ¶ 13.

On March 30, 2021, Copeland sent an email to his state representative stating the following:

I just wanted to say how ashamed I am of you for sponsoring and supporting HB 1570.¹ Not only does this bill put lives in danger, it fully illustrates the arrogance of you and your party to think that you have the authority to dictate such personal matters. *I truly hope and expect the federal courts will strike down this ridiculous law as soon as possible.*

DE 02 at 15. The email came from CaseyDCopeland@gmail.com—the same email address Copeland used for AOC business, including but not limited to all court appearances and filings he made in his capacity as an ad litem. Ex. 1 at ¶ 15; Ex. 3. Copeland signed the email “Casey D. Copeland, Arkansas Attorney Ad Litem” and included a link to the AOC’s website:

Casey D. Copeland
Arkansas Bar No. 2005022
Child Welfare Specialist, naccchildlaw.org
Arkansas Attorney Ad Litem, arcourts.gov
PO Box 270, Prairie Grover, AR 72753
Ph: 479-305-0750 Fx:479-935-9246
CaseyDCopeland@gmail.com

(emphasis added). DE 02 at 15.

Upon receipt, Representative Fite forwarded this email to AOC staff, and asked “Should his ad litem information be on an email of this nature?” DE 02 at 29. Obviously, the answer to that question was no. Ex. 1 at ¶ 19; 21. Recognizing the threat Copeland’s message presented to the AOC’s appearance of impartiality, the

¹ HB 1570 bans gender-affirming medical treatment for minors.

AOC acted swiftly to determine the appropriate remedial action. Ex. 1 at ¶ 20; *see generally* DE 02, exhibits.

Copeland was aware of the importance of the AOC's impartiality, specifically because AOC staff, including Defendant Sullivan, previously had individual conversations with Copeland about his political activities. Ex. 1 at ¶ 24. In 2016, Copeland took a leave of absence to run for a local judgeship. *Id.* at ¶ 9. Such leaves of absence are required under the AOC policy manual. *Id.*; Ex. 2 at 15. In 2018, Copeland sought to run for state representative. Ex. 1 at ¶ 24. However, Copeland was told such an activity would no longer be permissible for contractors under the leadership of the new AOC Director, Defendant Sullivan. *Id.* Copeland objected, stating his decision to leave full-time employment with the AOC and become a contractor was based on contractors' ability to run for office. *Id.* at ¶ 25. After an exchange of emails, Defendant Sullivan and Mr. Copeland had a phone call about his potential candidacy. *Id.* at ¶ 26. During this phone call, Defendant Sullivan essentially read the "Political Activity" section of the AOC policy manual to Copeland (which was also emailed to Copeland) and stressed the importance of the AOC's appearance of impartiality. *Id.*; Ex. 4 Defendant Sullivan agreed to let Mr. Copeland run while remaining a contractor, but stressed that he could not in any way mention or use the AOC in his partisan campaign. *Id.*; Ex. 4.

In 2019, Copeland sent a letter to Representative Fite discussing his experience as an ad litem and suggested legislation Copeland thought would benefit children of Arkansas. DE 02 at 40-41. This letter was typed on Copeland's own

letterhead, “Casey D. Copeland, Attorney at Law” and included what was presumably his office address in Prairie Grove, Arkansas. *Id.* The body of the letter stated *a portion* of his practice was ad litem work, but did not identify him as an employee of the AOC or include a link to the AOC in anyway. *Id.* Copeland signed this letter with only his name, and he did not include his official title. *Id.*

This was the only previous communication the AOC was aware of prior to March 30, 2021. Ex. 1 at ¶ 27; DE 02 at 42. Even though Copeland did not link the AOC to this letter, there was concern that such endorsement of legislation by AOC staff could be construed as an endorsement by the AOC itself. Ex. 1 at ¶ 29. For this reason, the AOC amended its Ad Litem handbook to require attorney ad litem to bring any proposed legislative requests related to dependency-neglect cases to the program director before contacting a legislator. *Id.*; DE 02 at 27.

Although Copeland was aware of the AOC’s compelling interest in remaining impartial, he nevertheless chose to sign his March 30, 2021, email to Representative Fite with his official title and a link to the AOC’s website. DE 02 at 15. As a result, Copeland’s contract was terminated. *Id.* at 20. To be clear, the reason for Copeland’s termination was **not** that he criticized his elected representative. Ex. 1 at ¶ 22. The issue was how he did so: by saying he hopes the courts strike down a law in an email that identifies him as court staff and links to the court’s webpage. *Id.*

After termination, Copeland sent emails to various individuals, including AOC staff, court staff, and Department of Human Services employees stating he had been terminated for his political message and that he was “very ashamed of the AOC and

our AAL program for allowing a state legislator to influence their contract/employment decisions.” Ex. 5. At all times, Copeland’s contract, which ends on June 30, 2021, was terminable or renewable at the discretion of the AOC. DE 02 at 11. At the time of termination, his contract had not been renewed for 2021-22, nor had any communications regarding renewal taken place. Ex. 1 at ¶ 14.

III. STANDARD OF REVIEW

The United States Supreme Court and the Eighth Circuit Court of Appeals have made clear that a request for preliminary injunction is an extraordinary and drastic remedy, and should not be granted unless a plaintiff clearly carries his or her burden of persuasion. *See Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (“It frequently is observed that a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.”); *Sanborn Mfg. Co. v. Campbell/Hausfield Scott Fetzer Co.*, 997 F.2d 484, 485-86 (8th Cir. 1993) (the burden on the movant “is a heavy one”).

Pursuant to *Dataphase*, district courts consider four factors in determining whether to grant preliminary injunctive relief: (1) the threat of irreparable harm to the movant; (2) the balance between the irreparable harm to the movant and injury on other party litigants, if granted; (3) the likelihood of success on the merits; and (4) the public interest. *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 114 (8th Cir. 1981). In the First Amendment context, the key consideration is whether the plaintiff is likely to succeed on the merits. *Minn. Citizens Concerned for Life, Inc. v. Swanson*, 692 F.3d 864, 870 (8th Cir. 2012) (en banc).

IV. ARGUMENT

A. Copeland is unlikely to succeed on the merits of his underlying claim.

1. First Amendment Retaliation Framework

The government has a legitimate purpose in “promot[ing] efficiency and integrity in the discharge of official duties, and to mainta[in][ing] proper discipline in the public service.” *Connick v. Myers*, 461 U.S. 138, 150 (1983). In *Connick*, Justice Powell stated:

To this end, the Government, as an employer, must have wide discretion and control over the management of its personnel and internal affairs. This includes the prerogative to remove employees whose conduct hinders efficient operation and to do so with dispatch. Prolonged retention of a disruptive or otherwise unsatisfactory employee can adversely affect discipline and morale in the work place, foster disharmony, and ultimately impair the efficiency of an office or agency.

Id. 461 U.S. at 151.

To succeed on the merits of his First Amendment retaliation claim, Copeland must prove three elements. First, Copeland must prove he engaged in an activity protected by the First Amendment. *Lyons v. Vaught*, 875 F.3d 1168, 1172 (8th Cir. 2017). Second, Copeland must establish that Defendants took an adverse employment action against him. *Id.* Finally, Copeland must prove the “protected speech was a substantial or motivating factor” in Defendants’ decision to take the adverse employment action. *Davenport v. Univ. of Ark. Bd. of Trs.* 553 F.3d 1110, 1113 (8th Cir. 2009).

Copeland’s case turns on the first factor, namely that he cannot establish he engaged in an activity protected by the First Amendment. In determining whether Copeland’s speech was a protected activity, the first inquiry is whether Copeland

spoke as a citizen on a matter of public concern or if he spoke pursuant to his official duties. *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006). This is a question of law for the court to decide. *Belk v. City of Eldon*, 228 F.3d 872, 881 (8th Cir. 2000). If the Court finds that Copeland did not speak as a citizen, this ends the constitutional analysis.

If Copeland's email was sent as a citizen on a matter of public concern, the next question is whether Defendants have evidence to indicate the speech had an adverse impact on the efficiency of AOC's operations. To satisfy this burden, Defendants need not "allow events to unfold to the extent that the disruption and the destruction of working relationships is manifest before taking action." *Connick*, 461 U.S. at 152. A reasonable prediction of disruption will suffice.

Once a reasonable prediction of disruption is established, the Court must then balance Copeland's right to speak against the government's interest in promoting efficiency. *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968). Under this analysis, the Court considers "a number of interrelated factors" including:

- (1) The need for harmony in the office or work place;
- (2) whether the government's responsibilities require a close working relationship to exist between the plaintiff and co-workers when the speech in question has caused or would cause the relationship to deteriorate;
- (3) the time, manner, and place of speech;
- (4) the context in which the dispute arose;
- (5) the degree of the public interest in the speech; and
- (6) whether the speech impeded the employee's ability to perform his or her duties.

Shands v. City of Kennett, 993 F.2d 1337, 1344 (8th Cir. 1993) (citing *Connick* at 146).

The weight given to any one factor is dependent upon the specific circumstances of the particular case. *Id.* The balancing of these factors is a question of law for the courts to decide. *Belk*, 228 F.3d at 881.

If these factors weigh in favor of Defendants, that ends the analysis. If these factors weigh in favor of Copeland, he must prove he suffered an adverse employment action, and that the protected speech itself was the substantial or motivating factor for the decision. *Davenport*, 553 F. 3d at 1113. Defendants may still be victorious if they offer evidence that they would have taken the same action irrespective of the protected speech. *Mahn v. Jefferson Cnty., Mo.*, 891 F.3d 1093, 1096 (8th Cir. 2018) (citing *Mt. Healthy City Sch. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977)).

2. Copeland fails the *Garcetti* citizenship test.

The First Amendment protects a public employee's right, *in certain circumstances*, to speak *as a citizen*, addressing matters of public concern. *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006) (emphasis added). The question of when an employee is speaking as a citizen is not altogether clear post-*Garcetti*. However, *Garcetti* made clear that employees speaking pursuant to their official duties are not speaking as citizens, and therefore the First Amendment does not encompass their speech. *Id.* at 411; *Lindsey v. City of Orrick*, 491 F.3d 892, 898 (8th Cir. 2007) (“[A] public employee does not speak as a citizen if [she] speaks pursuant to [her] job duties.”) At least one court has held that an employee can lose First Amendment protection based on actions unrelated to their official job duties, if those actions implicate the employer. *Bowers v. Rector & Visitors of the Univ. of Va.*, 478 F.Supp.2d 874 (W.D. Va. 2007), *aff’d sub nom. Bowers v. Scurry*, 276 F. App’x 278 (4th Cir. 2008) (unpublished per curium).

In *Bowers*, a university employee sent personal documents from her work email account regarding a bill under consideration by the Virginia General Assembly. *Id.* at 877-78. The email was sent outside of work hours, but included her signature block, which identified her as a university human resources representative. *Id.* at 878. Unbeknownst to Bowers, her colleague forwarded the personal email to other employees, who mistook it for an official university statement. *Id.* Bowers was later terminated, in part, because of the incident. *Id.* at 878-79. In awarding summary judgment for the employer, the court noted that while the subject of the email was of a public concern and it was not sent pursuant to Bowers' regular job duties, the use of the signature block identifying Bowers as an university employee took Bowers speech out of the realm of *Garcetti* protection. *Id.* at 885. Specifically, the court noted that "use of official letterhead is inconsistent" with "the *Garcetti* rule that an employee must speak as a citizen to claim protection." Consequently, the court found Bowers' statements "lose the cloak of First Amendment protection." *Id.*

While *Bowers* is not controlling here, its reasoning is persuasive given the remarkable similarity of the facts at issue. Like *Bowers*, Copeland sent an email regarding legislation from the email account he regularly used for business, signed the email with his official title, and included a link to the AOC website. Furthermore, the recipient of Copeland's email forwarded the message to his co-workers without Copeland's knowledge. Indeed, it was the "false authority" conveyed by the signature block that caused Representative Fite to forward the email in the first place. *See id.*

(“It was the signature—and the false authority it conveyed—that caused the attachments to be sent to the entire classified staff of the University.”)

Copeland simply did not have authority to speak for the AOC. Had Copeland merely sent the same email with only his name, there would be little doubt that it would be subject to First Amendment protection. But he did not. Instead, Copeland made the decision to send the email with his professional title *and* a link to the AOC website, implying his authority to speak for the agency. *Id.* at 886 (“Although [Bowers] was not officially authorized to speak for the University, her email misled others into thinking that she was.”) In doing so, Copeland and Copeland alone removed his speech from the realm of First Amendment protection by speaking pursuant to his official duties, and must face the consequences. *Id.* (“For that reason, this Court will hold her to the standards of those who are actually permitted to speak for government agencies: she must stick with the party line or face discipline.”) Accordingly, *Garcetti* and cases applying its rule apply here.

Because Copeland’s speech is not entitled to First Amendment protections, under even *Garcetti*, he cannot possibly succeed on the merits of his claim. Consequently, his request for injunctive relief should be denied.

3. It was reasonable for the AOC to believe Copeland’s email would cause workplace disruption.

Assuming *arguendo* that Copeland’s email was sent as a citizen, the next question becomes whether Defendants have evidence to indicate the speech had an adverse impact on the efficiency of AOC’s operations. Importantly, Defendants do not have to prove actual disruption—they need only provide a reasonable prediction of

disruption. *Connick*, 461 U.S. at 152, 103 S.Ct. 1684 (An employer need not “allow events to unfold to the extent that the disruption and the destruction of working relationships is manifest before taking action.”)

Copeland alleges Defendants cannot establish disruption or a reasonable possibility of disruption due to the quickness with which they acted. Defendants acted swiftly because the reasonable possibility of disruption was clear: Copeland sent an email stating he hoped the courts would strike down HB 1570 and linked this communication to the AOC’s website, the very agency that supports the court system in Arkansas.² In fact, this was the reason Representative’s Fite forwarded the email to the AOC in the first place. Scenarios like this are why the AOC emphasizes the need for separate social media accounts to use for personal endeavors, including political activity. As the face of the Arkansas court system, it is self-evident that AOC must appear impartial to the public at large to efficiently administer justice. Indeed, the importance of impartiality is found in the AOC’s mission statement, and throughout its various policies and procedures.³

In determining the reasonableness of a possibility of disruption, courts give “substantial weight” to a government employer’s reasonable predictions of

² Copeland’s distinction of “federal courts” is immaterial, as litigation could easily be commenced in state court as well.

³ https://www.arcourts.gov/sites/default/files/StrategicPlanUpdate_May6.pdf
 “As an equal and independent branch of government, the Arkansas Judiciary, acting with integrity, shall provide a safe, accessible, transparent, efficient, and impartial system of justice by fairly resolving disputes, protecting the public interest, and preserving individual rights while maintaining respect for the rule of law.”

disruptions. *Waters v. Churchill*, 511 U.S. 661, 673, 114 S.Ct. 1878 (1994). This is especially true in certain professions, such as law enforcement agencies, where the Eighth Circuit has recognized special organizational needs permit greater restrictions on employee speech. *Morgan v. Robinson*, 920 F.3d 521, 526 (8th Cir. 2019) (en banc); *Nord v. Walsh Cnty.*, 757 F.3d 734, 741 (8th Cir. 2015). While the Eighth Circuit has not yet considered whether the judicial branch is entitled to the ability to restrict speech to the same degree as law enforcement agencies, it *has* recognized that the State has a compelling interest in preserving the appearance of impartiality of the judiciary. *Wersal v. Sexton*, 674 F.3d 1010, 1023-24 (8th Cir. 2012). Given the importance of the appearance of impartiality of the judiciary, it is a natural extension of *Morgan* and its progeny to apply the same deferential standard granted to law enforcement agencies to agencies of the judicial branch, such as AOC.

Regardless of whether this Court applies the *Morgan* standard or the normal “substantial weight” standard of deference, Copeland cannot argue the AOC’s concern about disrupting its appearance of impartiality was unreasonable, especially given previous communications Copeland had with AOC about similar subjects. Consequently, Defendants have satisfied their burden of showing disruption under *Connick* and *Pickering*, and the court should proceed to the *Pickering* balancing test.

4. The balance of the *Pickering* factors weigh in favor of the State’s discipline of Copeland.

Finally, Copeland will be unlikely to succeed on the merits of his claim because the *Pickering* balancing test weighs heavily in Defendants’ favor. As noted above, the *Pickering* balancing test strives to help courts arrive at a balance between the

interests of the employee as a citizen commenting on public matters and the interests of the governmental employer in promoting the efficiency of its public services through such employees. *Kincade v. City of Blue Springs*, 64 F.3d 389, 395 (8th Cir. 1995). The consideration of the harmony of the work place, the relationships with co-workers, the time, place, and manner of the speech, the context in which the dispute arose, the degree of public interest in the speech, and whether the speech impeded the employee's ability to perform his duties are factors used to determine "whether the relevant government entity had an adequate justification for treating an employee differently from any other member of the general public." *Garcetti*, 547 U.S. at 418. The *Pickering* test is flexible; which factor controls depends on the facts of the specific case at hand. *Shands* 993 F.2d at 1344. For this reason, Defendants need not establish every factor of *Pickering* to succeed. *Connick*, 461 U.S. at 151 (employee's speech was not protected, even though government employer failed to demonstrate employee's speech impeded her ability to perform her duties); *Shands*, 993 F.2d at 1345 (finding *Pickering* test weighed in favor of defendants where at least two factors were not relevant, and stating: "a 'blind insistence upon the presence of an intimate working relationship gives to *Pickering* precisely that rigidity and formalistic structure that the Court ... denied in *Connick*.'" (quoting *Germann v. City of Kansas City*, 776 F.2d 761, 765 (8th Cir. 1985); *Anzalda v. Northeast Ambulance & Fire Protection Dist.*, 793 F.3d 822, 835 (8th Cir. 2015) (only considering harmony in the work place, relationship with co-workers, and the degree of public interest when finding *Pickering* test weighed in favor of Defendants).

Time, place, and manner

Here, the most significant factor in the instant case is the time, place, and manner of Copeland's speech. While Copeland states that his communication "contain[ed] not even a whiff of private interest, official duties, plaintiff's work situation, or anything to do with the AOC or [dependency-neglect attorney ad litem] program," this claim is demonstrably false. Pl. Br. at 11. First, for all the hullabaloo Copeland makes about this being his personal email account, he conspicuously neglects to mention that it was *this same account* from which he conducted official AOC business, and which is listed as his official email with the AOC.⁴ Moreover, the critical issue is the manner in which Copeland sent the communication—not merely under his own name, but instead with all the authority conveyed by signing it as Casey Copeland, Arkansas Attorney Ad Litem and employee of the AOC.

The Eighth Circuit has not considered such facts in relation to a First Amendment retaliation claim, but the Tenth Circuit did in *Deschenie v. Brd of Educ. of Cent. Consol. Sch. Dist. No. 22*, 473 F.3d 1271, 1281 (10th Cir. 2007). In *Deschenie*, a school administrator in charge of the school's bilingual program for Navajo students sent a private letter to the editor of a local newspaper where she expressed her support for Navajo education and her frustration with the lack of support she was receiving from the school's administration. *Deschenie* did not intend for the letter, in

⁴ Defendants note that after Copeland learned of AOC's concerns with his March 30, 2021, email, he stated he would no longer be using his gmail account for "official purposes" and created a separate account specifically for such communications. Ex. 6.

which she self-identified as a school official, to be published, but the newspaper printed it anyway. In analyzing Deschenie's speech under the *Pickering* test, the Tenth Circuit found that the time, place, and manner factor of *Pickering* provided the government a strong interest in restricting Deschenie's speech because the identification of Deschenie as a school employee connected the school to the letter, and therefore created the possibility of inconsistent positions regarding the program. *Id.* at 1281. "When a government employee purports to speak on behalf of the government employer, the employer has a strong interest in controlling the speech.")

Like *Bowers* above, the facts of *Deschenie* are remarkably similar to the case at hand. By including his AOC title and a link to the AOC website, Copeland inextricably linked the AOC to the communication. This is especially problematic given Copeland's statement he hoped the courts would strike the bill down in contrast with the AOC's duty to remain impartial. Because Copeland purported to speak for the AOC, or at the very least, tethered the AOC to the communication, the AOC had a substantial interest in restricting such speech.

Finally, with regard to the time, place, and manner of the speech, Copeland sent this email during normal business hours. The fact that Copeland is a part-time employee, and therefore may not have been on the clock at the time the email was sent, is not even suggested by the email. A reasonable reader would likely infer Copeland sent this email while at work, making the link to the AOC even more egregious.

Public interest

Nor is there a high degree of public interest in Copeland's single email to Representative Fite. To clarify, Defendants are not arguing that Copeland's email did not touch on a matter of public concern, which is required under *Garcetti*. *Pickering* asks a different question. The public interest factor of *Pickering* explores the purpose and extent of the speech; for example, was it made with the intent to inform the public or was it made privately? *Shands*, 993 F.2d at 1346 (finding factor weighed in favor of defendants because even though subject of speech was a matter of public concern, it was only shared internally with a few people.)

Here, Copeland was not speaking to inform the public, but rather engaging in a private conversation with his state representative. Indeed, Copeland concedes he intended for no one else to read the message and told no one else about the message. Accordingly, the degree of public interest does not weigh in Copeland's favor.

Harmony in the workplace

Copeland argues that his speech is protected under the *Pickering* balancing test because Defendants cannot show actual disruption. As explained above, evidence of actual disruption is not required in all cases. *Germann*, 776 F.2d at 765. "Rather, the amount of disruption a government employer must tolerate depends on several factors in the *Pickering* calculus, the extent to which the speech addresses a matter of public concern, the type of service the employer provides, and the context of the speech." *Shands* 993 F.2d at 1344 (citations omitted).

As the Eighth Circuit explained in *Shands*, law enforcement officers are entitled to two kinds of deference: first, they are entitled to deference in their determination that speech may cause disruption (above) *and* second, they are entitled to deference in their response to the perceived disruption. *Id.* at 1345. Here, Defendants reasonably predicted Copeland's statement that he "hopes and expects" a court to strike a law down could impact the AOC's appearance of impartiality, and that determination is entitled to deference. Moreover, even if Defendants' fears were unfounded, Copeland's actions after his termination sowed further seeds of disharmony. Specifically, Copeland emailed AOC staff and partners, including court staff, criticizing the AOC's decision to terminate him. Copeland cannot simultaneously foster disharmony with AOC stakeholders and claim disharmony does not exist. For this additional reason, the *Pickering* test favors Defendants.

Context of the dispute

Finally, the context of the dispute weighs in Defendants' favor as well. Copeland did not send an email in support of or in opposition to a bill (which, still would have been problematic if sent with his AOC title and a link to the website). Instead, he sent the email to Representative Fite *after* the bill was passed and stated he hoped the courts would strike it down. Such an affirmative statement about potential court activity on a bill Copeland concedes was getting national attention and likely to be challenged, certainly earns a mark in Defendants' *Pickering* column.

Because these factors substantially tip the scale of *Pickering* in favor of Defendants, Copeland's request for a preliminary injunction should be denied.

5. The content of Copeland's speech was not the motivating factor in the AOC's decision to terminate his contract.

Assuming *arguendo* Copeland's speech is protected, he is still unlikely to succeed on the merits of his claim because he cannot establish it was the content of the speech that resulted in his termination. Copeland alleges the AOC based its decision to fire him on the content of the email, namely his criticism of Fite's vote. This is incorrect. Copeland's termination had nothing to do with his criticism of Fite, but instead, was *solely related to the manner in which he did so*: by criticizing her in his official capacity as an AOC employee and linking his criticism to the AOC's webpage.

The AOC permits staff and contractors to participate in political activity so long as they do so outside of work hours and do not use their position with the AOC in conjunction with the activity. *See e.g.*, Ex. 7 (allowing staff to testify in front of the General Assembly, but cautioning employee to take leave and not to mention where he works.) More to the point, *the AOC has allowed Copeland to participate in political activity in the past, so long as he refrained from referencing the AOC in the activity.*

Copeland argues because he has been permitted to engage in political activity in the past, it necessarily means it was the content of *this* activity that motivated his termination. But in no other political activity has Copeland misused his AOC title or so blatantly linked the AOC to his message. Prior to this incident, the AOC was aware of only one other instance in which Copeland addressed a legislator: his 2019 letter to Fite. Notably, this letter ***was not*** signed with Copeland's official title and ***did not*** include a link to the AOC's website in the signature block. Instead, it was written on

Copeland's own letterhead ("Casey D. Copeland, Attorney at Law") and included his personal office address in Prairie Grove, Arkansas. While in the body of the letter Copeland mentions he is an attorney ad litem, he says that work is only a portion of his practice. This statement coupled with Copeland's own letterhead does not render his status with AOC readily apparent, and it does not suggest or imply that he spoke on behalf of the AOC. Moreover, Copeland's statement that he worked as an ad litem merely informed the reader his statements were made pursuant to first-hand knowledge and gave him credibility; it did not invoke the authority of the AOC. *See Charles v. Grief*, 522 F.3d 508, 510; 513-14 (5th Cir. 2008) (employee who sent letter to legislature raising concerns about racial discrimination and misuse of funds by the state commission for which he worked did not take himself out of the realm of *Garcetti* protection because he sent the email from a purely personal account, included his personal phone number and address, and only identified himself as an employee to provide credibility of the first-hand knowledge of his statements). Moreover, even though this letter differs substantially from the email at issue here, *the AOC still took action upon learning about the communication*. Specifically, the AOC amended its policy manual to make clear to attorneys ad litem that they should bring any proposed legislative requests related to dependency-neglect cases to the program director instead of directly to the General Assembly to avoid any inconsistent positions or the appearance of partiality to a particular bill.

Finally, Copeland argues that the Defendants' justification for his termination was purely pre-textual. Copeland bases this argument on the following text message sent by Jennifer Croun, another employee of the AOC:

Stasia has forwarded you several emails. She needs guidance on what to say to Casey because she is his supervisor for 30 more days and has to handle transition.

I know the general rule in terminations is the less you say, the better, but could we not go ahead and tell him his contract was terminated due to his use of his ad litem title and AOC web address in a political email? That is what we will be saying if we face a lawsuit and I think it could help smooth relations with others because he is mischaracterizing the truth.

Copeland alleges Ms. Croun's statement about "That is what we will be saying if we face a lawsuit" demonstrate the AOC manufactured this reason for termination after the decision had been made. But that is not what the message states. The message clearly reflects Copeland had sent multiple emails inquiring into the reason for his termination, and while the AOC's practice was generally to not respond to such emails, Ms. Croun thought addressing the matter head on would be beneficial in this situation. However, because of the AOC's practice of not responding, she had to request permission to tell him, hence her question, "could we." Framed another way, Ms. Croun foresaw having to answer this question during a lawsuit, and because of that, suggested the AOC go ahead and provide Copeland with its basis for termination—the use of his title and the website—especially given Copeland's emails to court staff and other AOC partners. It was a "what are we waiting for?" statement, not a "does this reason sound plausible?" exchange.

Because Copeland cannot establish it was the content of his message rather than the manner in which it was conveyed that motivated the AOC's decision to terminate his contract, he cannot meet his burden. His request for injunctive relief must be denied.

6. The AOC would have terminated Copeland, or any other employee, for any such misuse of authority.

Finally, even if the AOC's motives for terminating Copeland were mixed, the AOC is still entitled to a denial of Copeland's request for injunctive relief if it can show it would have taken the same action irrespective of the protected speech. *Mahn v. Jefferson Cnty., Mo.*, 891 F.3d 1093, 1096 (8th Cir. 2018) (citing *Mt. Healthy City Sch. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977)).

AOC policy prohibits infringing on the integrity of the AOC. Any misuse of authority which implicates the AOC is therefore subject to termination. This is true whether it involves linking the AOC to a politically charged email like here, or, for example, using one's AOC title (and implied authority) to obtain tickets to a special event or secure a seat on a non-profit board. Copeland cannot overcome Defendants' lawful alternative explanation without explaining how the use of his official title and the AOC's webpage was not a misuse of authority. This he simply cannot do. For this additional reason, this Court should dismiss his request for injunctive relief.

B. Copeland's request for relief is barred by sovereign immunity under the Eleventh Amendment.

It is well settled that official capacity claims brought pursuant to 42 U.S.C. § 1983 are barred by Eleventh Amendment sovereign immunity. *Will v. Michigan Dept.*

of *State Police*, 491 U.S. 58 (1989). This is because states are not “persons,” within the context of 42 U.S.C. § 1983, which is the status required for a § 1983 lawsuit. *Id.*

More specifically, suits against state officials or employees are barred when “the state is the real, substantial party in interest.” *Id.* at 101. When a suit is brought against state employees in their official capacities, the suit “is the functional equivalent of a suit against the State” and is also barred by the Eleventh Amendment. *Zajrael v. Harmon*, 677 F.3d 353, 355 (8th Cir. 2012) (*per curiam*). Thus, suits against persons in their official capacities do not qualify as suits against persons for § 1983 purposes. *Id.* In other words, the Eleventh Amendment to the United States Constitution absolutely bars a suit by an individual brought against a state or its agencies and departments, regardless of the relief sought. *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984).

To overcome Defendants’ defense of sovereign immunity, Copeland must establish an ongoing violation of federal law, i.e., an *Ex Parte Young* exception. *Papasan v. Allain*, 478 U.S. 265, 277-78 (1986) (holding that *Ex parte Young* only reaches “cases in which a violation of federal law by a state official is ongoing”). The *Ex Parte Young* rule only permits a suit seeking prospective relief against an ongoing violation of a federal right. *281 Care Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011). While reinstatement of employment is a proper request for relief under *Ex Parte Young*, *Ex Parte Young* cannot be used to obtain an injunction requiring the payment of funds from the State's treasury to make reparations for the past or be used to acquire an order for specific performance of a State's contract. *See Mahn v.*

Jefferson County, Mo., 891 F.3d 1093, 1099 (8th Cir. 2018); *Edelman v. Jordan*, 415 U.S. 651, 663; 666-67, (1974) (“Thus the rule has evolved that a suit by private parties seeking to impose a liability which must be paid from public funds in the state treasury is barred by the Eleventh Amendment”....*Ex Parte Young*’s citation of *Hagood v. Southern*, 117 U.S. 52, (1886) and *In re Ayers*, 123 U.S. 443 (1887) demonstrate that equitable relief such as specific performance of a contract to which the state was a party may be barred by the Eleventh Amendment.”)

Copeland cannot establish an *Ex Parte Young* exception here. First, as described above, Copeland’s First Amendment rights were not and are not being violated. Second, assuming *arguendo* Copeland’s termination violated his First Amendment rights, the only possible relief to which he is entitled is reinstatement of his current contract, which expires June 30, 2021. At the time Copeland was terminated, his contract had not been renewed, and moreover, no communications regarding renewal had commenced. Copeland does not have any right or interest in a hypothetical future contract. *Correia v. Jones*, 943 F.3d 845, 848 (2019) (a unilateral expectation of continued employment is insufficient to create a property interest) (citing *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972) and *Hogue v. Clinton* 791 F.2d 1318, 1324-25 (8th Cir. 1986)). Where there is no constitutionally protected interest, there can be no deprivation, and where there is no deprivation there can be no ongoing violation for this Court to remedy. For these reasons, *Ex Parte Young* does not apply, and sovereign immunity bars Copeland’s request for injunctive relief.

V. CONCLUSION

Had Copeland sent the email in question with only his name, there would be no good-faith dispute that his speech was protected activity. But he did not. Copeland and Copeland alone made the decision to include his title and a link to the AOC website in an email in which he specifically contemplated litigation and predicted the court's action. In doing so, Copeland inextricably linked the AOC to this communication, and threatened its appearance of impartiality.

Under these circumstances, the AOC was justified in terminating Copeland because Copeland's speech is not entitled to First Amendment protection. Specifically, Copeland's speech was not made as a citizen but pursuant to his official title and pursuant to his connection with the AOC. The AOC reasonably thought an email commenting on possible litigation of a newly-enacted and possibly polarizing law would cause disruption, and the *Pickering* factors establish that predicted disruption was reasonable and justified. And, again, it was not the content that motivated Copeland's termination, but his use of his agency position. Therefore the content of Copeland's speech was not the motivating factor. Finally, even assuming Defendants are wrong, the only relief Copeland could possibly be entitled to is reinstatement of his current contract, which ends June 30, 2021.

The following exhibits are filed contemporaneously with this Response, and incorporated herein by reference:

- Exhibit 1, Declaration of Marty Sullivan
- Exhibit 2, AOC Policy Manual in effect March 2021

- Exhibit 3, Copeland's registered email with AOC
- Exhibit 4, Emails between Copeland and AOC staff about running for state representative
- Exhibit 5, emails from Copeland after termination of his contract
- Exhibit 6, email from Copeland providing new email address for official business
- Exhibit 7, AOC approval of leave for political activity

Respectfully submitted,
LESLIE RUTLEDGE
Attorney General

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CERTIFICATE OF SERVICE

I, Brittany Edwards, hereby certify that on June 28, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall provide notice and service to all parties.

/s/ Brittany Edwards

Brittany Edwards

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

CASEY D. COPELAND

PLAINTIFF

v.

CASE NO. 4:21-CV-477-DPM

MARTY SULLIVAN, IN HIS OFFICIAL
CAPACITY AS DIRECTOR, ARKANSAS
ADMINISTRATIVE OFFICE OF THE
COURTS AND STASIA BURK
MCDONALD, IN HER OFFICIAL
CAPACITY AS DIRECTOR OF THE
ADMINISTRATIVE OFFICE OF THE
COURTS' DEPENDENCY-NEGLECT
ATTORNEY AD LITEM PROGRAM

DEFENDANTS

DECLARATION OF MARTY SULLIVAN

I, Marty Sullivan, am competent to testify and have personal knowledge regarding the statements contained in this declaration and under penalty of perjury, do hereby state and verify the following:

1. I am currently the Director of the Arkansas Administrative Office of the Courts ("AOC").
2. The AOC is the agency within the judicial branch of government that supports state courts on behalf of the Arkansas Supreme Court.
3. The AOC is the face of the Arkansas judicial branch. As such, it is imperative that the AOC maintains an appearance of impartiality and avoids any appearance of impropriety.
4. The AOC's mission statement is: "As an equal and independent branch of government, the Arkansas Judiciary, acting with integrity, shall provide a safe,

accessible, transparent, efficient, and impartial system of justice by fairly resolving disputes, protecting the public interest, and preserving individual rights while maintaining respect for the rule of law.”

5. To protect the integrity of the AOC, certain provisions exist regarding employee political activity. These include, but are not limited to: requiring full-time staff to take a leave of absence when running for office, requiring staff to take leave when testifying before the General Assembly on private matters, restricting any political activity to non-work hours, prohibiting staff from using their title or employment with the AOC in conjunction with any political activity, and emphasizing the use of separate social media accounts for personal use.

6. Every staff member and contractor must protect the integrity of the AOC at all times as a condition of their employment.

7. Contractors and staff are permitted to participate in political activity, but they must do so “off the clock” and refrain from using their title or connecting the AOC to such activity in any way.

8. I routinely approve requests for leave so that AOC employees may participate in political activity “off the clock.”

9. Casey Copeland was previously a full-time employee of the AOC. Copeland took a leave of absence from November 6, 2015 to March 6, 2016, to run for a local judgeship. Such leaves of absence are required for full-time employees to run for political office.

10. Copeland resigned from full-time employment on March 1, 2017, and became a contracted (part-time) Attorney Ad Litem.

11. Copeland's current contract became effective July 1, 2020, and expires June 30, 2021.

12. Attorney Ad Litem contracts are terminable by the AOC with 30 days notice.

13. Copeland received a copy of the AOC employee manual when he was a full-time employee and a copy of the Ad Litem handbook as part of his employment.

14. At the time Copeland's contract was terminated on April 1, 2021, no conversations or negotiations had been had with Copeland about renewing his contract.

15. The email address Copeland provided to the AOC for official business was CaseyDCopeland@gmail.com. To my knowledge, this is also the email address he used for all court filings while a contractor for the AOC.

16. On or about March 30, 2021, I became aware that Mr. Copeland sent an email to Representative Charlene Fite, criticizing her vote on the recently passed HB 1570, signed with his official AOC title and a link to the AOC website.

17. Representative Fite forwarded this email to the AOC and asked if Copeland's AOC information should be on an email of this nature.

18. In addition to including his official AOC title and the AOC's website in the signature block, the email was sent from the same account Mr. Copeland uses

for official AOC business and specifically stated that Mr. Copeland hopes the courts strike down HB 1570.

19. It is the opinion of the AOC that such a communication, specifically, a self-identified employee of the judiciary branch affirmatively stating he hoped the courts would strike down a law, severely impedes the AOC's duty to appear impartial to the public.

20. Because of the possible threat Mr. Copeland's email posed to the AOC's integrity and appearance of impartiality, AOC staff acted swiftly to determine appropriate remedial action.

21. The AOC determined that given Mr. Copeland's misuse of his title and authority of the AOC termination was appropriate.

22. Mr. Copeland's contract was not terminated because of his critique of Representative Fite, but the manner in which he did so: specifically, the misuse of his AOC title and the AOC website in an email conveying the authority to speak for the AOC.

23. The AOC would terminate any employee who misuses their official title, whether for political or personal gain.

24. I have personally made Mr. Copeland aware of the importance of AOC's impartiality in political matters. Soon after I became Director, Mr. Copeland requested to run for a state representative seat. I originally told Mr. Copeland he could not run, even as a contractor, because I was concerned about how his candidacy might impact the AOC's appearance of impartiality.

25. Mr. Copeland asked me to reconsider, given the fact that contractors had been allowed to run in the past, that was part of the reason he left full-time employment with the AOC, and that he would be running in a different county than where he worked.

26. During a phone call about this matter, I told Mr. Copeland I would allow him to run, but stressed the importance of AOC's impartiality, that he could in no way use the AOC as part of his campaign, and essentially quoted the "Political Activity" section of the AOC policy manual to him, and told him these rules would apply.

27. To my knowledge, the only other political communication from Mr. Copeland that the AOC was aware of was a 2019 letter on Copeland's personal letterhead to Representative Fite, in which he suggested legislative changes he believed would benefit the children of Arkansas.

28. This communication did not include a link to the AOC website or mention the AOC at all. Mr. Copeland did identify himself as an Ad Litem.

29. Specifically due to this communication and the concern it raised that such endorsement of legislation *could be* perceived as an endorsement from the AOC, the AOC amended the Attorney Ad Litem handbook to require ad litem to present dependency-neglect legislative proposals to the AOC first, before submitting them to a legislator.

30. After the AOC terminated Copeland's contract, he sent emails to various partners of the AOC, including court staff and Department of Human

Services employees, stating he was “very ashamed of the AOC and the Attorney Ad Litem program for allowing a state legislator to influence their contract/employment decisions.”

31. On May 21, 2021, Mr. Copeland informed the AOC that he would no longer be using his gmail account for official matters, and provided the AOC the new email address of caseydcopeland@protonmail.com.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Signed this 28 day of June, 2021.



MARTY SULLIVAN

Director

Arkansas Administrative Office of the Courts

ARKANSAS SUPREME COURT

Administrative Office of the Courts

“Supporting Courts, Ensuring Justice”



AOC EMPLOYEE

HANDBOOK

AND

POLICY MANUAL

Effective January 1, 2019
Revised December 2, 2020

Document**History**

Version	Issue Date	Changes
1.0	01/01/2010	First Edition Effective
2.0	01/01/2014	Performance evaluation process updated with 2012 changes including Performance Evaluation Policy and Procedure. Section 10.10 Electronic Communications Use revised. Hyphen removed from e-mail to be consistent with modern usage. Section 5.1 added with Certification Differential policy.
2.0.1	01/23/2014	Corrected typo in Section 5 and updated order in 5.1.5(b)
2.0.2	02/28/2014	Added new self-evaluation form, removed paragraph 15.5.2 Transition for Existing Employees
2.0.3	02/28/2014	Added Shared Leave Policy 9.9
2.0.4	03/01/2014	Added Company Nurse Injury Hotline information in Section 12
2.0.5	03/04/2014	Updated Introduction to include mission statement and added motto to cover page.
2.0.6	11/29/2016	Update to Catastrophic Leave to change Catastrophic Leave Committee to the Catastrophic and Shared Leave Committee 9.8.2
2.0.7	11/29/2016	Added AOC will administer agency Shared Leave Program 9.9.1
2.0.8	11/29/2016	Removed approval by OPM and added review and approval by Catastrophic and Shared Leave Committee and Agency Director 9.9.5
3.0	1/1/2019	Multiple changes, including the following policies: Certification and Education Pay Increase, Inclement Weather, Shared Leave removed, Leave request procedure updated to reflect use of EASE, Paid parental leave via Catastrophic Leave added, Confidentiality section updated, new Internship Policy, Political Activity and Social Media, E-cigarette and vaping prohibition, new Performance Evaluation dates and categories.
3.1	11/18/2019	Career service bonus amounts updated.
4.0	2/21/2020	Sick leave must be used before annual leave for health-related absences.
4.1	12/2/2020	Updated Drug-Free Workplace and Smoking Policy to reflect applicable Arkansas Medical Marijuana Amendment provisions.

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1 INTRODUCTION

The Administrative Office of the Courts (AOC) is an agency within the judicial branch of government that works to support the state courts on behalf of the Arkansas Supreme Court. Our mission is to support the Arkansas Judiciary and employees of the Judicial Branch and to assist attorneys and members of the public who rely upon independent, fair, and impartial state courts that are efficient and accessible to all.

The AOC is composed of four divisions:

Court Information Systems

The Court Information Systems Division is responsible for providing technological support for Arkansas courts, maintaining accurate information regarding court caseloads, and for managing the Arkansas Court Automation Program, a statewide initiative to automate jury and case management in Arkansas courts.

Finance and Administration

The Finance and Administration Division is responsible for day-to-day operations of the AOC, including finance, budget, human resources, court security, physical plant, and other support areas.

Juvenile Justice

The Juvenile Justice Division strives to encourage judicial best practices, provide the Juvenile Divisions of Circuit Courts with resources to better serve the children and families who appear before the court, ensure that the well-being of children, youth and families is a high priority within the Arkansas judicial system, and provide leadership in bringing diverse groups together to better serve children and families that enter our court system.

Legal Services

The Legal Services Division consists of the staff attorneys, foreign and sign language interpreters, specialty court coordinator, alternate dispute resolution department, judicial education department, and administrative personnel.

2 SCOPE

The AOC Employee Handbook and Policy Manual applies to all employees of the Administrative Office of the Courts. The Handbook is intended to inform AOC staff of current policies and procedures governing office operations, employee benefits, and employee conduct. Human Resources shall provide a copy of the Handbook to every new hire. Human Resources and new hires shall review the Handbook together. The Handbook and associated documents will be maintained in a commonly accessible area of the AOC computer network (currently the O: drive). All AOC employees will be notified by email when the Handbook is updated. Every employee is expected to have a working knowledge of the Handbook.

3 AT-WILL EMPLOYMENT AND PROFESSIONALISM

Pursuant to Arkansas law, all employees of the AOC are considered employees at will and serve at the pleasure of the Arkansas Supreme Court and the Director of the AOC. AOC employees have

regular contact with elected court officials, court staff, other state agency personnel, and coworkers within the AOC and are required to maintain a high degree of integrity, professionalism, decorum, and respect at all times and to communicate appropriately with court personnel at all levels.

4 AOC ORGANIZATIONAL CHART

The AOC Organizational Chart can be found in the O: drive.

5 BENEFITS

Benefits provided as a result of employment with the AOC are similar to those available to all state employees. The specific benefits are subject to change on an annual basis, dependent upon policy established by the State of Arkansas. In general, they include access to health insurance, dental insurance, vision insurance, and retirement. For information regarding benefits, contact AOC Human Resources.

5.1 Certification and Education Pay Increase

5.1.1 Purpose

The AOC encourages staff to pursue educational and professional growth. The purpose of the Certification and Education Pay Increase Policy is to establish a process for AOC employees to be considered for a pay increase when they continue their education and training and receive a professional certification or complete a degree from an institution of higher education above the required qualifications for the position.

5.1.2 Employee Eligibility

To qualify for a Certification and Education Pay Increase an employee must:

- (a) be a full-time exempt employee, and
- (b) receive approval from her or his supervisor, Division Director, the Finance and Administration Director, and the AOC Director to pursue the education or certification, and
- (c) not be subject to formal disciplinary action at the time of achieving the education or certification, and
- (d) have received at least an overall score of “solid performer” on the most recent performance evaluation.

A Certification and Education Pay Increase will not be awarded to an employee if the certification or education is a required qualification for the position.

5.1.3 Degree or Certification Requirements

The professional certification or higher education degree must be directly related to the predominant purpose and use of the position. Professional certification must be from a recognized certifying professional organization. A degree must be from an accredited institution of higher education. A Certification and Education Pay Increase may not be awarded retroactively. Human Resources shall

maintain a list of higher education degrees and professional certifications that have been approved by the Director and Division Directors. Employees may submit requests for additional degrees and certifications to be added to this official list.

Employees are limited to a maximum six-percent pay increase for each degree or certification, and only one certification or education pay increase may be awarded per employee within a fiscal year. The increase is determined by the difficulty in achieving and maintaining the certification or education, the degree to which it is related to the predominant purpose and use of the position, and availability of funds. Requests to begin the process for a Certification and Education Pay Increase may be approved at any time during the fiscal year.

5.1.4 Procedure

- (a) Request approval: If an employee wishes to receive an educational or certification pay increase, the employee must submit a request to the supervisor that attainment of the education or certification be included as a goal in the employee's performance evaluation.
- (b) Approval and notification for budgeting: The supervisor must notify the Director, Finance and Administration Director, and Division Director that an employee has been recommended for a potential Certification and Education Pay Increase and provide the anticipated date and recommended amount of the increase so that the proposal may be reviewed and budgeted.
- (c) Recommendation on attainment: Upon attaining the education or certification, the employee must present to the supervisor the certificate from the professional certifying organization or an official transcript, certificate, or degree award from the accredited institution of higher education. The supervisor must provide a copy to the Division Director, Finance and Administration Director, and AOC Director.
- (d) Approval by Finance and Administration Director and AOC Director: Upon approval by the Finance and Administration Director and AOC Director, the HR Director will notify the employee of the effective date and amount of the new rate of pay.
- (e) Reimbursement for examination: The employee may submit a TR-1 for reimbursement of the cost of the examination that was required to receive the degree or certificate.

6 CAREER SERVICE RECOGNITION

Upon completion of ten or more years of service in a position with an agency of the State of Arkansas, eligible employees may receive annual Career Service Recognition payments. Payments will be made according to the following schedule:

<u>Career Service</u>	<u>Annual Payment</u>
10 through 14 years of state service	\$800
15 through 19 years of state service	\$1,000
20 through 24 years of state service	\$1,200
25 or more years of state service	\$1,500

Career Service Recognition payments shall be subject to withholding of all applicable state and federal taxes.

7 WORKING HOURS

The AOC offices shall be open to the public from 8:00 a.m. until 5:00 p.m., Monday through Friday. The standard work week shall be 40 hours, scheduled over five days, beginning as early as 7:00 a.m. and ending as late as 6:00 p.m. The standard work day shall be inclusive of one 15-minute break each morning and afternoon. Employees shall have the option of excluding one or both breaks from the scheduled work day. The scheduled work day must include a lunch break during the mid-point of the scheduled work day of at least 30 minutes. Human Resources will maintain examples of Planned Working Schedules and Planned Working Schedule Forms on the O Drive.

Employees may request to be approved to schedule a flexible work week. A flexible work week may be scheduled on four or five days for up to a maximum of ten hours per day, beginning as early as 6:30 a.m. and ending as late as 6:30 p.m. Leave usage and accrual shall be the same for employees working a flexible work day as for those working a standard schedule. Supervisors shall consider the following factors when considering a flextime request:

- 1) the job duties of an employee or the employee's relationship to other employees may require that the employee be present during the standard work week;
- 2) all work areas must be sufficiently staffed to allow business to be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, so that customer needs are not affected;
- 3) appropriate work must exist which can be performed by the employee during all scheduled work hours and does not decrease customer service during regular work hours; and
- 4) the employee's work must be able to be evaluated during all scheduled work hours.

Supervisors are encouraged to develop reasonable and flexible schedules for employees whenever these requirements can be met. If approved, flextime work schedules are probationary for 90 days, at which time it is the responsibility of the supervisor and the Director to continue or discontinue the flextime schedule. All flextime schedules should be evaluated annually. A supervisor may, at any time and at his or her discretion, discontinue an employee's flextime schedule and return the employee to a standard work schedule. Whenever possible, an employee should be notified in advance of a flextime work schedule change.

The schedule and work plan for each employee shall be prepared in writing and approved by the employee's supervisor and the Director. Upon approval, a copy shall be maintained by the employee and supervisor and one copy shall be provided to Human Resources.

7.1 Work Location

Employees are required to report to work at offices provided by the AOC at or near the Justice Building in Little Rock, Arkansas. The only exceptions are for positions which are designated as "regional" or "remote."

A regional position is one which has primary job duties which require that services be provided to customers who are located off-site, and the regional location of the position is for the convenience of the AOC and its customers. The written job descriptions for regional positions shall provide that the primary work location is in a particular location or region. For regional positions, some of the costs of operating a home office, such as expenses for telephone and Internet connectivity, may be provided by the AOC.

Other employees may have job duties which allow for their work to be performed at a remote site, such as their home, either on a full-time or part-time basis. An employee may request that a position be designated as “remote” for some or all of the scheduled work week. The approval for a remote designation must be recommended by the supervisor and approved by the Director. Because a remote designation is made for the convenience of the employee, such a designation shall be within the complete discretion of the AOC and may be revoked at any time. In determining whether a position may be designated as remote, the supervisor shall consider the following:

- 1) the nature of the job duties and the ability to provide services from a remote site;
- 2) the need for the employee to be present at the official work site in order to access equipment or materials or to be in face-to-face contact with other employees;
- 3) the ability to oversee and evaluate appropriately the work of the employee at a remote site; and
- 4) the needs of the AOC to provide prompt and complete services to customers at the work site during all official work hours.

Employees who seek approval to designate a position as “remote” must provide, at their expense, suitable work space, including telephone service and internet connectivity at the remote site.

Positions that are approved as regional or remote shall be designated as such in the written employee schedule and work plan, which must be approved by the supervisor and the Director. The initial designation of a position as remote shall be for a period of 90 days, at which time the designation shall be evaluated and a decision made about the continuation of the designation. Thereafter, remote designations shall be evaluated annually.

7.2 On Call

Some employees may be required at times to be “on-call” in order to maintain a required level of service. Employees are not working while on-call if they are not required to remain on the work premises, are free to engage in personal activities, and are only expected to respond to communication from a supervisor. If actual calls are so frequent, or the on-call conditions are so restrictive that the employees are not free to use the intervening periods effectively for personal benefit, the time will be considered time worked. The time worked while on-call shall be subject to the compensatory time policy.

8 INCLEMENT WEATHER POLICY

In the event of severe inclement weather conditions, the Governor will determine whether to declare the inclement weather policy in effect. If the Governor declares that state executive branch offices are closed, the AOC will also be closed absent specific notice to the contrary from the Supreme Court. Inclement weather declarations will be announced through state media channels. Employees should listen for an announcement when these conditions exist.

When the Governor announces a delayed opening, all non-essential employees are expected to be at work by 10:00 a.m. Employees designated by the Director as essential personnel are expected to be at work by 8:00 a.m. regardless of weather conditions. An employee who is unable to arrive at work by 10:00 a.m. shall, as soon as possible, notify his or her supervisor. Employees arriving after 10:00 a.m. shall submit an Annual Leave request for the hours of missed work. For example, if an

employee is scheduled to arrive at the designated work location at 8:00 a.m. and does not arrive until 10:30 a.m., the employee will be charged 2.5 hours of annual leave.

Employees in positions not designated as remote, but which satisfy the requirements for remote work, may request permission from their supervisors in advance to work remotely if conditions indicate it is likely that the inclement weather policy will be in effect the following day.

Employees in positions designated as remote are required to begin work at their regularly scheduled time. Remote employees who are unable to work remotely because of power outages or other conditions resulting from the inclement weather are required to use annual leave in accordance with this policy.

Regional employees are subject to the same requirements as Justice Building-based employees but shall follow gubernatorial and school district pronouncements regarding their regions.

9 LEAVE AND TIMESHEETS

9.1 Employment Categories

All AOC employees are covered by the Wage and Hour provisions of the Federal Fair Labor Standards Act unless specifically exempted. The provisions of the Fair Labor Standards Act include guidance for establishing work periods, payment of minimum wages, hours of work, overtime compensation, and required record keeping.

Employees who are covered by the Wage and Hour provisions of the Fair Labor Standards Act are considered non-exempt employees.

Exempt employees are not covered by the provisions of the Fair Labor Standards Act because their work assignments fall into one of the following categories:

- Executive
- Professional
- Administrative

Designations of exempt or non-exempt status are made by the AOC Finance and Administration Division based on criteria established by the Fair Labor Standards Act. Such designations are made on an individual basis and are based on the actual work responsibilities assigned to each employee.

9.2 Timesheets

All non-exempt employees are required to complete weekly timesheets. Timesheets shall be submitted via EASE to the employee's supervisor for approval.

9.3 Holidays

The State of Arkansas recognizes the following days as official holidays:

1. New Year's Day, January 1;
2. Dr. Martin Luther King, Jr.'s Birthday, the third Monday in January;

3. George Washington's Birthday and Daisy Gatson Bates Day, the third Monday in February;
4. Memorial Day, the last Monday in May;
5. Independence Day, July 4;
6. Labor Day, the first Monday in September;
7. Veterans Day, November 11;
8. Thanksgiving Day, the fourth Thursday in November;
9. Christmas Eve, December 24;
10. Christmas Day, December 25;
11. The employee's birthday.

As a general rule, employees will not be required to work on official state holidays. However, a supervisor may request an employee's services on an official state holiday. Should an employee be required to work on a holiday, compensatory time for the time actually worked will be granted to both exempt and non-exempt employees. The Supreme Court may also declare that offices will be open on a day designated as a state holiday. In this event, all employees are expected to be available for work and will either be credited with eight hours of holiday leave or the Supreme Court may designate another day within the calendar year on which the offices will be closed. Employees are allowed to retain their unused Holiday/Birthday leave past one year. However, upon termination the maximum amount of unused annual and holiday leave to be paid out in a lump sum is 240 hours.

9.4 Annual Leave

Full-time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full time but more than 1,000 hours per year accrue annual leave in the same proportion as time worked. For example, employees who work half time would receive half of the annual leave accrual shown on the timetable.

Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 through 5 years	1 Day 2 Hours	15 Days
6 through 12 years	1 Day 4 Hours	18 Days
13 through 20 years	1 Day 6 Hours	21 Days
Over 20 years	1 Day 7 Hours	22.5 Days

- 1) Through 3 years: Employees must have completed three (3) full years of employment before movement to the next higher accrual rate.
- 2) 4 through 5 years: Employees must have completed three (3) full years of employment and be starting their fourth (4th) year.
- 3) 6 through 12 years: Employees must have completed five (5) full years of employment and be starting their sixth (6th) year.
- 4) 13 through 20 years: Employees must have completed twelve (12) full years of employment and be starting their thirteenth (13th) year.
- 5) Over 20 years: Employees must have completed twenty (20) full years of employment and be starting their twenty-first (21st) year.

Accrual rates will change on the first day of the month following eligibility for the next higher accrual rate. The prior service of an employee certified by another state agency will be considered in determining the rate of accrual.

Annual leave will be accrued in increments of one hour. Employees will receive half their monthly accrual of annual leave if employed on the first working day of the month and work through the 15th of that month. Employees will receive half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first working day thereafter.)

Requests to use annual leave should be approved by the supervisor in advance and use of annual leave should be reported in increments of 15 minutes.

Any annual leave in excess of 240 hours must be used by December 31 or it will be forfeited.

Upon termination, resignation, retirement, death, or other action by which a person ceases to be an active employee of the State, the amount due the employee or his estate from accrued and unused holiday and annual leave shall be paid to the employee in a lump sum not to exceed 240 hours of annual leave.

9.5 Compensatory Time

9.5.1 Non-exempt Employees

If overtime work occurs (non-exempt employee is required to work more than 40 hours in a work period) the non-exempt employee is to receive time and a half Fair Labor Standards Act compensatory time for the amount of overtime worked. Compensatory time will be provided in lieu of overtime compensation unless the employee has accrued more than 240 hours of comp time. After that total is reached, employees will be paid an overtime premium. Employees should use their compensatory time within a reasonable period and must exhaust all accrued compensatory time before annual leave is used. Upon termination of employment, an employee will be compensated for accrued compensatory time at a rate that is the higher of (1) the average regular rate received by the employee during the last three years of employment; or (2) the final regular rate received by the employee.

9.5.2 Exempt Employees

Exempt employees working or performing official duties on a Saturday, Sunday, official holiday, or non-scheduled work day, at the request or direction and upon approval of the employee's supervisor, may be granted up to eight hours per day of compensatory time. At the request of an employee's supervisor and upon approval in advance of the Director, an exempt employee may be granted compensatory time when required to work an extraordinary period in excess of scheduled hours during the regular work week. All non-emergency requests for compensatory time must be pre-approved by the employee's supervisor and submitted on the "Comp Time Request" form (F3). Requests for compensatory time must be submitted via this form and cannot be processed through EASE. Compensatory time, like annual leave and sick leave, will be measured in increments of 15 minutes. Exempt employees will not receive cash payment for unused compensatory leave, and any unused leave cannot be transferred between state agencies.

Exempt employees who request and are approved to attend an out-of-state meeting, conference, or seminar on a Saturday, Sunday, holiday, or non-scheduled work day will not be granted compensatory time.

9.5.3 Use of Compensatory Time

Compensatory time is to be used before annual leave and as soon as practical. The maximum accrual time is 120 hours. Compensatory time may be used in lieu of sick leave and should be used until the balance is depleted before using annual leave.

9.6 Sick Leave

Employees accrue sick leave at the rate of one day per month with a maximum accrual of 960 hours.

Employees will receive half their monthly accrual of sick leave if employed on the first working day of the month and work through the 15th of that month. Employees will receive half their monthly accrual if employed on the 16th of the month and work through the last working day of that month (If the 16th falls on a weekend or holiday, accrual begins on the first working day thereafter).

Sick leave may be used only by employees who are unable to work because of sickness, injury, or for medical, mental, dental, or optical treatment for themselves or family. Sick leave must be used before annual leave for health-related absences. Up to five days of sick leave may be granted due to the death of an employee's family member.

Unlike annual leave, sick leave is not payable upon termination of employment for the unused portion that has accrued, except as provided for in the Sick Leave Incentive Program. Supervisors are not required or expected to inquire into the nature of the use of sick leave. However, an employee may be required to furnish a certificate from an attending physician for more than 40 consecutive hours of sick leave.

Upon retirement or death, an employee or beneficiary shall receive compensation for unused sick leave pursuant to A.C.A. § 21-4-501 and applicable regulations.

9.7 Parental Leave

Through the AOC's Catastrophic Leave Bank, employees have access to paid parental leave for up to four consecutive weeks (160 hours) upon the birth or adoption of a child. Employees must join the Catastrophic Leave Bank to be eligible for this benefit.

Employees may be eligible for up to 12 weeks (480) hours of parental leave upon birth or adoption of a child pursuant to the Family and Medical Leave Act. Paid leave is to be used concurrently with FMLA leave until exhausted, at which point an employee may use unpaid leave.

9.8 Catastrophic Leave Bank Program

The AOC participates in a Catastrophic Leave Bank Program administered by the AOC, Supreme Court, and Court of Appeals. The AOC Catastrophic Leave Bank Program creates no expectation or promise of continued employment and is intended simply to assist eligible employees during medical emergencies and for parental purposes. Applicants for participation in the Bank must be regular, full-time, benefits-eligible employees, donate the requisite number of hours, and meet other

requirements detailed in the Catastrophic Leave Bank Program Policy, which is available in the O: Drive.

9.9 Family and Medical Leave Act

The Family and Medical Leave Act of 1993 entitles eligible employees to take up to twelve (12) weeks of unpaid leave each year for specified family and medical reasons.

To be eligible for leave under this policy an employee must have been employed by the state for at least twelve (12) months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave. The Act entitles “eligible” employees to a total of twelve (12) work weeks of leave during any 12-month period for one of the following reasons:

- 1) The birth of the employee’s child, and to care for the newborn child;
- 2) The placement with the employee of a son or daughter for adoption or foster care;
- 3) The care of the employee’s spouse, son, daughter, or parent with a serious health condition; and
- 4) A serious health condition that makes the employee unable to perform the functions of the employee’s job.

In the case of birth or adoption this eligibility shall expire at the end of the 12-month period beginning on the date of a child’s birth or placement. If the leave is foreseeable, the employee must provide 30 days advance notice. In situations “3” and “4” above, written medical certification must be furnished.

Family leave is leave without pay. However, the AOC require the employee to substitute paid leave for any part of the 12-week period. The employee must exhaust all paid sick leave first followed by annual and other paid leave before being placed on unpaid leave.

9.10 Educational Leave

The AOC encourages the educational pursuits of its employees. Employees who are enrolled in a course of study in an accredited certificate or degree program or enrolled in two or more courses that are relevant to the employee’s job responsibilities may enroll in and attend one course (up to four credit hours) during regular working hours if the employee is:

1. Enrolled in and attending one additional course outside of regular working hours during the same academic period; or
2. Has successfully completed one course outside of regular working hours during the immediately preceding academic period.

Courses provided online shall qualify as long as they are approved for full academic credit. No leave time will be deducted for such activity when approved in advance by the Director.

9.11 Military Leave

Employees who are members of the National Guard or any of the reserve branches of the Armed Forces are granted three weeks leave annually, plus necessary travel time for annual training requirements. This leave is granted without loss of pay and in addition to regular vacation time.

Each employee who requests military leave must furnish a copy of his/her orders for the personnel file. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals 15 days at the beginning of a calendar year.

An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within 90 days after the effective date of his or her release from active duty shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.

9.12 Leave for Participating in Children's Educational Activities

Employees shall be entitled to eight (8) hours of leave during any one (1) calendar year for the purpose of attending or assisting with the educational activities of a child enrolled in pre-kindergarten through grade 12.

9.13 Volunteer Leave

The AOC encourages employees to participate in charitable activities. Employees may request eight hours of paid leave per calendar year to volunteer for the charity of their choice. Volunteer leave must be applied for and approved by the employee's immediate supervisor using the "Leave Application" form. Each employee is responsible for completion of the "Use of Volunteer Time" form indicating the number of hours volunteered, charity/organization, and activities conducted. Volunteer leave is not requested and approved through EASE.

9.14 Jury Duty

Any employee serving as a juror or subpoenaed as a witness to give a deposition in a court case or court hearing, not involving personal litigation or service as a paid expert witness outside the scope of state employment, is granted time off with full compensation in addition to any fees paid for such services. The time off will not be counted as annual leave.

9.15 Leave Without Pay

An employee may request and be granted, upon the written approval of the Director, continuous leave of absence without pay for a period not to exceed three months. However, leave without pay will not be granted until all of the employee's accumulated annual, compensatory, holiday, and birthday leave has been exhausted. Leave without pay due to sickness will not be granted until all of the employee's accumulated sick leave has been exhausted. Employees who are on leave of absence without pay do not accrue annual leave or sick leave unless the leave without pay is greater than ten (10) consecutive or non-consecutive days in a month, then the employee would lose the leave accrued (annual or sick) for that calendar month only. The employee on leave without pay is responsible for the state's portion as well as the employee's cost of insurance.

9.16 Leave Request and Notice of Leave

Employees should request leave in advance using the EASE-based online system. When health treatment is known about in advance, the employee should request sick leave in advance. Unanticipated sick leave requests and annual leave due to inclement weather shall be submitted on the first day the employee returns to work.

Employees who are ill, have an accident, or are otherwise unable to report for work at the appointed time, are expected to notify their supervisor in writing and via EASE. If the supervisor is unavailable the employee should notify the next immediate supervisor. The supervisor should notify the receptionist as soon as he/she is aware of the absence. Absence or late reporting must be reported each day prior to the start of the work period.

Supervisors are to inform the Director of all leave requests which have a continuous duration of more than 10 days.

9.17 Organ Donor Leave

All state employees are entitled to leave with pay for up to thirty (30) days per calendar year in order to serve as a human organ donor. In addition, all state employees are entitled to leave with pay for up to seven (7) days per calendar year to serve as a bone marrow donor.

In order to qualify for organ donor or bone marrow donor leave, employees must provide a written request from both the employee and the medical physician that will perform the transplantation. Following the transplantation, written verification of the fact must be provided by the same physician.

9.18 Transfer of Leave between State Agencies

An employee may transfer annual and sick leave between state agencies. The rate of accrual when transferring to another agency will remain the same. Annual leave and sick leave will be transferred in increments of one hour.

10 OFFICE PROCEDURES

10.1 Office Calendars

The office calendar is maintained on the AOC main calendar located on the Microsoft Exchange Email system under public folders. Employees who wish to place meetings on the calendar or who will be out of the office for half a day or more should notify the receptionist by email. Office calendars are also available to reserve meeting rooms, the computer lab, wireless internet cards, and vehicles.

10.2 Dress

All employees should dress in a reasonable and professional manner. No jeans should be worn during regular office hours, except when casual dress days are in effect. Fridays shall be designated as casual dress day. On Fridays, employees may wear business casual clothing, including appropriate denim wear, provided that an employee does not have any scheduled meetings or events. Casual dress consistent with this policy is also permitted Monday through Thursday when both the Supreme Court and Court of Appeals are declared in recess.

10.3 Confidentiality

Employees of the Administrative Office of the Courts shall safeguard confidential information acquired in the course of their employment. Employees shall not disclose or use confidential information for any purpose not connected with the performance of their official duties.

“Confidential information” is information that is required to be kept confidential pursuant to federal law, state law, court rule, court order, administrative regulation, policy, or directive. Confidential information includes, but is not limited to: data, source code, notes, papers, memoranda, discussions, deliberations, proprietary information, and electronic communications, such as e-mail and facsimile. If in doubt about whether the confidentiality policy applies to a piece of information, consult with your supervisor.

The work product of former employees of the Administrative Office of the Courts shall remain confidential. Upon termination from employment, employees may, with the permission of their supervisor, take with them copies of written material in which they participated as a part of a personal file but shall not release such writings to any other party without the written consent of the court or other court-related entity that the employee served. "Work product" does not include documents that are published or filed of public record.

10.4 Press Contact

Some of the materials and information received and handled by the AOC are confidential as defined by law, the provisions of judicial ethics, or the policies of the Supreme Court. All requests by the press should be referred to the Director or his/her designee. All Freedom of Information Act (F.O.I.A.) requests should be forwarded immediately to the Director or her/his designee.

10.5 Travel Reimbursement Policy

Requests for reimbursement for travel expenses must be submitted on the AOC TR-1 form. Reimbursement is permitted only for actual expenditures made while traveling on official business. Requests for reimbursement are subject to the state travel reimbursement law. The cost of meals will be reimbursed only when the trip involves an overnight stay. Receipts must accompany reimbursement requests.

Employees are allowed reimbursement for tips up to 15% of the cost of the meal; however, the total cost of meals and tips may not exceed the rates published in the DFA Financial Management Guide.

Employees who regularly travel on business are eligible for a state travel card. The application and TR-1 form are included in the appendix and available electronically on the O: drive on the AOC network.

10.6 Internship Policy

All supervisors requesting internships must make a written application to their immediate supervisor, Division Director, and the Director describing the proposed length, duties, and function of the internship. The Director shall have sole authority to approve or reject internship requests. It is the preferred policy that AOC internships are paid.

10.7 Drug-Free Workplace Policy

The AOC shall at all times be in compliance with the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited. Violation of this policy can subject employees to discipline, up to and including termination.

Employees shall not be discriminated against for using physician-prescribed or physician-certified drugs unless use of the prescribed or certified drugs interferes with work productivity, contributes to behavioral issues, or becomes a substantial burden to the AOC.

10.8 Non-Discrimination Policy

It is the policy of the Administrative Office of the Courts that discrimination by an employee based upon race, creed, religion, national origin, age, sex, gender, sexual orientation, gender identity, or disability is prohibited and shall constitute grounds for dismissal.

10.9 Sexual Harassment Policy

Sexual harassment has no place in the workplace and will not be tolerated. It is the policy of the Administrative Office of the Courts to ensure a work environment free of sexual harassment.

In accordance with this policy, unwelcome sexual advances, requests for sexual favors, sexual demands, or other verbal or visual conduct of a sexual nature will constitute sexual harassment; when:

- 1) Submission to the conduct is either an explicit or implicit term or condition of employment;
- 2) Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct;
- 3) The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

Actions that may be defined as sexual harassment are not limited to the "supervisor to employee" situation but may include actions of co-workers, actions of the same or opposite sex, and actions of individuals external to the Court and its offices who have contact with employees in the work environment.

Complaints of sexual harassment will be investigated in a timely and thorough manner and appropriate disciplinary actions will be enforced promptly. Particular efforts will be made to conduct investigations with due regard for confidentiality to ensure protection of the complainant and the accused. No complainant will be required to confront the accused solely or independently.

10.9.1 Sexual Harassment Complaint Procedure

- 1) An employee who alleges sexual harassment should notify Human Resources, their supervisor, or the Director of the Administrative Office of the Courts as soon as possible.

- 2) A complaint alleging sexual harassment must be submitted in writing to the Director. The Director or his/her designee shall serve as the grievance officer for sexual harassment complaints.
- 3) The Director or designee shall meet privately with the complainant within seven business days of receiving the written complaint and will then timely conduct the investigation as appropriate.
- 4) The Director or designee will notify the complainant in writing of the action taken in response to the complaint. Employees do not have a right to know specific action taken.
- 5) If the complainant or accused is dissatisfied with the decision of the Director or designee, that person may appeal the decision to the Chief Justice of the Supreme Court in writing within seven business days of receipt of the decision. Otherwise, the decision of the Director shall be final and binding.
- 6) The Chief Justice, the Chief Judge of the Court of Appeals, and an additional appellate court justice/judge designated by the Chief Justice will review the investigation file and will issue a written decision within fourteen business days either affirming, modifying, or reversing the Director's decision. The decision of the Justice(s) and Judge(s) shall be final and binding.

10.10 Political Activity

The judiciary seeks to maintain neutrality concerning political matters. While AOC employees have the right to hold and express personal opinions about political candidates and issues, when performing their duties on behalf of the judicial branch (during regular working hours), AOC employees should endeavor to maintain neutrality in action and appearance.

Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activities include, but are not limited to, membership and holding office in a political party and campaigning for a candidate in a partisan election by making speeches and contributions of time and money to individual candidates, political parties, or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours should not use his or her position or title within the court system in connection with such political activities. Employees choosing to engage in political activity via social media, blogs, and online forums should ensure that their associated social media, blog, and online profiles do not list the AOC as their employer.

Employees should not run for or hold judicial or partisan elective office. An employee who declares an intention to run for a judicial or partisan elective office must take an unpaid leave of absence upon the filing of nomination papers.

Employees should not engage in any political activity during scheduled work hours, when using government vehicles or equipment, or on state property. Political activity includes, but is not limited to: (a) displaying literature, badges, stickers, signs, or other items of political advertising on behalf of any party, committee, agency, candidate for political office, or political issues sought to be placed on the ballot, (b) using official authority or position directly or indirectly to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity, (c) soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot, and (d) soliciting or receiving funds for political purposes.

10.11 Information Technology Use Policy

10.11.1 Introduction and Scope

The term information technology (IT) includes, but is not limited to, computers, application software, electronic mail (email) systems, telephones, mobile devices, local area network (LAN) with access to the Internet, and cloud technologies. The purpose of these technologies is to:

- 1) Assist employees in fulfilling their job duties,
- 2) Conduct agency business,
- 3) Support agency projects, and
- 4) Provide employees with the necessary tools to expand their technological knowledge.

This policy covers access to and the appropriate use of these technologies by AOC employees, contractors, consultants, temporary employees, and workers who use a remote or local connection method to access network resources.

10.11.2 Technology as a Privilege

The Court Information Systems (CIS) Division strives to provide users with current technological equipment and resources necessary for the employee's job. General appropriate uses include:

- 1) Access to local and network application software that allows employees to accomplish tasks and fulfill job functions;
- 2) Access to the Internet for work-related activities including research and information gathering;
- 3) Communication and collaboration between staff and other work-related entities;
- 4) Activities or projects that support professional or permitted activities of employees.

AOC employees are allowed *de minimis* personal use of technological resources, including access to the Internet and other information resources before and after scheduled working hours and during scheduled breaks and lunch.

10.11.3 Unacceptable Uses

It is unacceptable for an employee to use technology in any manner that:

- 1) Violates local, state, or federal laws;
- 2) Violates local, state, or federal regulations or AOC policy;
- 3) Violates or infringes on the rights of any other person, including the right of privacy;
- 4) The employee knows or should know is defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;
- 5) Inhibits other employees from using the system or the efficiency of the computer systems, including but not limited to the distribution of unsolicited advertising, or known or purposeful propagation of computer worms or viruses;
- 6) Is used for private or personal business ventures, or personal for-profit business activities;
- 7) Is used for promotion of private or political causes;

- 8) Is used for wagering, betting, selling;
- 9) Use or installation of remote access software;
- 10) Is used for storage of personal files, such as pictures, music, videos, or extraneous software on network servers;
- 11) Disrupts or harms the business of the AOC.

10.11.4 Privacy of Information

In general, information that is created, stored, or accessed using AOC systems or IT services is presumed to be public record and subject to disclosure. AOC employees should have no reasonable expectation of privacy in the use of these resources.

10.11.5 Confidential Information

Confidential or proprietary information is information which if made available to the public would cause harm to the AOC or parties who are subject of the information. It is also information that could give a party a business advantage when negotiating contracts with the AOC. Unpublished drafts of opinions, memoranda, notes, communications, deliberative materials regarding case decisions, working papers, and correspondence of Supreme Court Justices and Court of Appeals Judges are confidential. Also all communications between justices and judges, communications between justice/judges and their law clerks, administrative assistants, and between law clerks are confidential. Finally, any communications deemed confidential under Administrative Order 19 are confidential.

Confidential information shall not be disclosed to anyone other than the intended recipient of the confidential communications without the express written consent of the originator of the confidential information or as provided by law, rule, or order of a court of competent jurisdiction.

OneDrive is cloud file storage that is associated with the individual employee's Office 365 account. Employees are prohibited from sharing or collaborating on confidential or proprietary information using OneDrive. Employees should never transmit unencrypted confidential or proprietary information. Email messages between users in the arcourts.gov domain are automatically encrypted; however, messages sent to users outside of this domain may not be encrypted – and appropriate methods must be taken to secure confidential or proprietary information.

10.11.6 Network Services

Access to the network is restricted to Justice Building, 900 West Capitol Building, and Riverfront employees as well as necessary remote and regional personnel. Users outside the Justice Building may be given contractual access at the discretion of the CIS Division Director. AOC employees must get approval from the AOC Director, Deputy Director, or a Division Director prior to connecting non-Justice Building persons to the Justice Building network.

Remote access to the network may be provided through a virtual private network (VPN). At the discretion of the CIS Division, clientless or client-based VPN solutions may be deployed to provide access to Judiciary employees and external contractors. VPN access may be requested by an employee's manager. VPN requests should be submitted to the AOC IT Security Officer.

Employees should be aware that when connected to the Justice Building network through a client VPN session, normal access to their Internet Service Provider is disabled. A user will still have a

connection to the Internet through the VPN session, but any data passed through a VPN session, including web traffic, is traveling over the state-owned network and is subject to this policy.

All employees are responsible for the security of their user IDs and passwords. If access to an employee's files is required, a written request must be submitted to the AOC Network Manager by the employee's manager. Employees are encouraged to keep data safe by locking their desktop with the "Windows + L" key combination when away from their computers.

10.11.7 File Storage

Access to the Internet, email, and other technological services is provided through a LAN. These services include data storage, backup services, data and user security, file sharing, and printer access. The AOC also provides cloud services through Office 365.

Employees are required to store all work files on AOC provided resources to ensure proper security, sharing and backup. The LAN servers are the preferred resource to store work files. However, LAN servers have limited capacity, and drive space is reserved for work-related data. Individual files stored on OneDrive are not safe from deletion. Deleted files are stored in the Recycle Bin before they are permanently deleted. Files stored on OneDrive can be accessed from remote locations. The AOC recommends using OneDrive to access files remotely. SharePoint sites are cloud file storage sites that are configured for access by the AOC Systems Group. AOC employees may also collaborate on information stored on a SharePoint site. Collaboration on other cloud storage systems such as Google Drive, DropBox, and others may be approved on a case by case basis.

10.11.8 Wireless Access

Wireless access is available in all areas of the Justice Building, Riverdale Office, and 900 West Capitol office space. Wireless access is provided for employees and guests through a public wireless network and secured enterprise networks.

The public wireless network is designed for guests. It may also be used by employees who bring their own devices, like phones and tablets, to work and want Internet access. The public wireless network offers access to the Internet but cannot contact internal Judiciary network services. Judiciary public wireless utilizes content filtering so content that is blocked will not be accessible.

Enterprise wireless networks are segregated from public wireless and match the employee's wired network profile. Employees will be automatically authenticated to their enterprise wireless network when using work computers. Only state-owned computers are permitted to connect to enterprise wireless networks.

10.11.9 Email

Microsoft Office 365 provides the AOC with email services. Employees use of email is governed by state law. Employees may access their email accounts through Outlook or remotely at <https://portal.office.com/>. Employees may also receive email on mobile devices. Employees who receive email on a mobile device should inform AOC PC Support if their phone is lost or stolen so that the account may be blocked. An employee who sets up a personal mobile device to receive email from the AOC email system also consents to having the device wiped in the event it is lost or stolen.

Employees should use care when dealing with suspicious email messages. Employees should not click on links or open attachments in suspicious messages. If you suspect you have received a malicious email message contact IT Security in the CIS Division.

Email account size is limited to 100 GB. Employees are required to retain all incoming and outgoing mail messages for one year. Email messages having contractual significance should be retained for 5 years after the termination of the contract or agreement. An employee should contact PC Support if they need to retain more messages than they have space in their account.

10.11.10 Instant Messenger Policy

Instant messaging (IM) is used for real-time text-based communications between two or more participants over the Internet or some form of internal network or intranet. The AOC CIS Division uses an internal messenger client that is automatically installed on the employee's computer. AOC employees' requests to add, remove, or change IM accounts should be submitted to AOC PC Support at aoc.pchelp@arcourts.gov. Messenger credentials utilize the employee's Active Directory username and password. AOC Internal IM also supports mobile clients on Android and iOS.

- 1) Instant messaging should be used for business communications only.
- 2) File transfers through IM clients are not allowed.
- 3) Instant messages that are unencrypted shall not include confidential or proprietary information.
- 4) The connection to or use of external instant messaging systems is prohibited.

IM clients can save chat transcripts for later access. All CIS employees are required to turn this feature off.

10.11.11 Use of Office Programs

Office 365 allows the use of the most current version of MS Office on up to 5 devices. The AOC provides a computer with one copy of MS Office installed. The AOC may provide employees with a mobile device for use at home. This mobile device will also have one copy of MS Office installed. An AOC employee may install a copy of MS Office on a home computer. These copies of MS Office are associated with the AOC employee's Office 365 account. When an employee is no longer employed by the AOC the employee is no longer authorized to use MS Office on their home computer. The version installed on their home computer will fail to license after their account is terminated.

10.11.12 Personal Devices

Employees are discouraged from bringing their own computer to work. Employee-owned computers used on state property may be subject to the Arkansas Freedom of Information Act. Employee-owned computers are not allowed to connect to the LAN without prior approval by the AOC Director or the CIS Division Director.

10.11.13 Network Operations

The Systems Group and the IT Security Officer of the CIS Division are responsible for maintaining a safe, secure, and reliable network infrastructure for the Arkansas Judiciary. To accomplish this mission the Systems Group and IT Security Officer employs various network monitoring and scanning tools to ensure compliance with established policies, troubleshoot network events, and

investigate potential security breaches. Activities that the Systems Group and IT Security Officer are authorized to perform are:

- 1) Scanning for and remediating network and workstation vulnerabilities;
- 2) Monitoring and management of employee workstations;
- 3) Measuring and monitoring network traffic and Internet bandwidth usage for troubleshooting and policy enforcement purposes;
- 4) Setting minimum password standards.

10.11.14 Anti-virus and Anti-spyware Protection

The CIS Division maintains enterprise level anti-virus and anti-spyware products that are installed on all AOC computers. Up-to-date definition files are regularly installed, and daily scans are performed. Remote computers employ a local installation of these products and are configured for automatic definition updates and daily scans. Users should immediately report any unusual computer performance or suspected virus or spyware to the AOC PC Support Manager.

10.11.15 Remote Access

Remote access to the network may be provided through a virtual private network (VPN). At the discretion of the CIS Division, clientless or client-based VPN solutions may be deployed to provide access to Judiciary employees and external contractors. VPN access may be requested by an employee's manager. VPN requests should be submitted to the AOC IT Security Analyst.

Client-based VPN connections will only be permitted on state-owned hardware or hardware that is owned by contractors whose access has been approved by the AOC Director, Deputy Director, or a Division Director. Any hardware that is used to access the Judiciary network through a client VPN session must also adhere to standard security controls such as antivirus and antispyware protection and must be protected with a password.

Clientless VPN connections can be initiated from any device with a modern web browser. Clientless VPN connections are used for special purposes such as access to internal web-based applications.

Employees should be aware that when connected to the Justice Building network through a client VPN session, normal access to their Internet Service Provider is disabled. Users will still have a connection to the Internet through the VPN session, but any data passed through a VPN session, including web traffic, is traveling over the state-owned network and is subject to this policy.

Other remote access software such as PCAnywhere, GoToMyPC, LogMeIn, or Carbon Copy shall not be used to communicate with a computer on the Justice Building network.

10.11.16 User Account Guidelines

All employees are responsible for the security of their user IDs and passwords and shall be diligent in protecting those accounts. Passwords are not to be shared among employees and should not be written down. If access to an employee's files is required, a written request must be submitted to the AOC Network Manager by the employee's manager. Passwords must not be inserted into email messages or other forms of electronic communication. All work-related user passwords must be changed at least every 90 days. All user passwords should contain a mixture of upper- and lower-case alpha and non-alpha characters and be at least 8 characters in length. The CIS Division

programmatically enforces password policies on AOC employees connecting to network resources or using AOC equipment. The policies require strong passwords that are changed every 90 days.

10.11.17 Unacceptable Uses of LAN Resources

The Justice Building purchases a limited amount of Internet bandwidth from DIS and it is intended to be used for legitimate business purposes. Unacceptable uses of network bandwidth include but are not limited to:

- **Peer to Peer (P2P) Connections** – Peer to peer applications, such as Bit Torrent or Limewire, represent a serious security risk to network resources and are strictly prohibited.
- **Hacking or Monitoring Tools** – AOC employees are prohibited from downloading or using any hacking tools, network scanning software, or password crackers without prior written permission of the AOC Director upon suspicion of illegal or unauthorized network activities, except as otherwise permitted under section 10.10.10, Network Management.

10.11.18 Message Content

All email communications shall be conducted in a professional manner. The following are unacceptable uses of the state email system:

- Any activity prohibited by AOC policy;
- Sending chain letters, virus, or hoaxes;
- Sending or opening executable (.exe) files or other attachments unrelated to specific work activities;
- The use of profanity, obscenities, abusive language or derogatory remarks;
- Messages that contain obscene, pornographic, or sexually suggestive content;
- Messages that violate the non-discrimination policy;
- Messages used to promote religious or political beliefs;
- Messages used to harass, threaten, or intimidate others;
- Messages that interfere with a person's ability to perform their job duties;
- Sending advertisements or solicitations that are not work related;
- Sending information in violation of U.S. copyright laws.

10.11.19 Internet Access

The following are inappropriate uses of Internet through the state-owned network:

- Viewing, receiving or sending pornographic or other obscene materials;
- Participating in chat rooms not designed for professional interactions specifically related to one's job;
- Personal Internet browsing during scheduled work times;
- Purposes which violate federal or state law;
- Transmitting or receiving data in violation of U.S. copyright law.

10.12 Unauthorized Use of Office Equipment & Materials

Unauthorized use of office supplies, telephones, copy machines, fax machines, computers and other equipment and/or furniture for non-official business is forbidden. Any questions about the use of said supplies and equipment should be addressed to the Director.

10.13 Outside Employment

While the AOC does not prohibit employees from engaging in outside employment, each full-time employee's AOC position should be considered the employee's primary employment. During scheduled office hours, no employee should engage in activity for which he or she will receive outside compensation. In addition, the agency will disallow other outside employment if it interferes with an employee's AOC duties or the integrity or credibility of the judiciary. Rule 1-6 of the Rules of the Supreme Court provides that no employee shall engage in the practice of law or have a pecuniary interest in any concern which does business with the Supreme Court or the Court of Appeals. As a general rule, employees of the AOC should refrain from any outside employment, unless said employment is approved in writing by the Director.

11 FACILITIES**11.1 Keys & Building Access**

Each employee will be issued a photo identification card and a card access key to the outside doors of the Justice Building. These keys are the property of the AOC, are not to be duplicated, and must be returned at termination of employment. Key cards and photo identification cards should not be left in unattended vehicles. The Justice Building is not open to the public at night or on weekends. Employees who gain entrance to the building after hours should ensure that outside doors remain locked at all times.

11.2 Visitors

Visitors to the Justice Building are required to enter through the main entrance on the west side of the building and must check-in with the Supreme Court Police Department.

11.3 Weapons

AOC employees are not permitted to knowingly carry or possess a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol Grounds, nor are they permitted to knowingly carry or possess a firearm, whether loaded or unloaded, in the State Capitol Building or the Justice Building. Violation of this policy may result in criminal prosecution for violation of Ark. Code Ann. § 5-73-122.

11.4 After Hours

Employees working after normal business hours who are concerned about exiting the building when security is absent should call the Capitol Police at 501-682-5173. The number is also available at the security desk at the Justice Building entrance.

11.5 Parking

Free parking lots are available to employees on the Capitol grounds on a first-come, first-served basis. Employees should park only in designated spaces. Parking in non-designated areas is prohibited, even on a temporary basis and will result in a parking ticket.

11.6 Smoking Policy

Smoking is prohibited in all space occupied by the employees of the Supreme Court, Court of Appeals, and the Administrative Office of the Courts, except in a designated smoking area in the north courtyard of the Justice Building.

For the purposes of this policy, “smoking” shall refer to the use of any lit tobacco product, cigars, cigarettes, e-cigarettes, vaping, and pipes. Smoking medical cannabis is prohibited in all spaces occupied by the employees of the Supreme Court, Court of Appeals, and the Administrative Office of the Courts; this prohibition includes the north courtyard of the Justice Building.

11.7 Personal Office Space

The Arkansas Building Authority is responsible for the maintenance of the Justice Building. The Authority has posted a policy concerning the building and personal office spaces on the bulletin board in the AOC break room. The policy includes a ban on personal office heaters and the burning of candles. Employees are encouraged to keep their offices and the common areas clean. Problems with personal or public Justice Building spaces should be reported to building maintenance at 501-682-3509.

11.8 Fire Evacuation Plan

The State Building Authority has posted a Fire Evacuation Plan for the Justice Building on the bulletin board in the AOC break room. Employees should read and familiarize themselves with the evacuation plan. Fire Wardens for the AOC offices are:

First Floor: Office Manager
Court Information Systems Division - Executive Assistant
Second Floor: Division of Dependency Neglect - Assistant CASA Coordinator
900 W Capitol: Court Information Systems Division - Executive Assistant

When the fire alarm sounds, all employees are required to exit the building. Wardens will ensure that every employee has vacated the building when the fire alarm sounds. Wardens should meet with the Deputy Director about their area of responsibility.

11.9 Vehicles

The vehicles owned by the AOC are available for use by all employees after completing an Arkansas State Vehicle Safety Program Authorization to Operate State Vehicles and Private Vehicles on State Business form. Use of a vehicle is scheduled by submitting a reservation on the AOC Vehicle Checkout Calendar located on the Microsoft Exchange Email system under public folders. This request should be submitted as soon as the employee knows that an AOC vehicle will be needed. No one is permitted to operate an AOC vehicle except the members of the Supreme Court and the employees of the AOC and the Supreme Court. Seat belts must be worn by all occupants at all times. No smoking is allowed in any AOC vehicle. Keys are available from the Office Manager or

designee. All vehicles have an assigned credit card to purchase gasoline or other maintenance times for the vehicle. All vehicles must be cleaned by the employee after use. Vehicles used for out-of-town travel or which have less than one-half tank of gas should be filled with gas prior to turning in the keys. Vehicles should be inspected prior to use and upon return and any damage to the vehicle must be report promptly to the Office Manager.

In the event an AOC vehicle is requested and none is available, an employee may use his or her personal vehicle. Use of a personal vehicle for travel outside of the employee's official station will entitle the employee to receive reimbursement at the prevailing state mileage rate. Each AOC employee's official station is Little Rock except employees designated to work from a regional or remote location. Those employees' official station will be the city where their office is located. If a private automobile is used, the employee will be reimbursed for mileage from his or her home or official station, depending on which distance is the shortest.

11.10 AOC Permanently Assigned Vehicles

If the AOC permanently assigns a vehicle to an employee, the vehicle is to be used only for business purposes. The only acceptable personal use of the vehicle is for commuting or de minimis personal use as defined by Publication 15-B of the Internal Revenue Service.

Personal use of the vehicle is a taxable fringe benefit. The AOC has adopted the following policy for the purpose of taxing and reporting the personal use of employer-provided vehicles. It is the policy of the AOC that an employee is not allowed to use the vehicle for personal purposes other than for commuting or de minimis personal use as defined by the Internal Revenue Service. The AOC will determine the taxable value of a vehicle permanently assigned to an employee by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. If more than one employee commutes in the vehicle, this value applies to each employee. This amount will be included in the employee's wages or reimbursed by the employee.

The AOC Permanently Assigned Vehicle form (F-9) shall be completed by the employee and returned to his or her supervisor. The supervisor shall remit the form to the AOC Office Manager. The employee will also turn in a Weekly Time Sheet Concerning Use of Permanently Assigned State Automobiles (F-10) statement of use to their supervisor that will be used to report the fringe benefit to be included on their annual W-2. Both of these forms are located on the O: Drive in the AOC Policy folder.

12WORKERS' COMPENSATION

Employees who incur an occupational injury or illness should notify their supervisor as soon as possible. If the employee requires non-emergency medical care, the employee should call the Company Nurse Injury Hotline at (855)339-1893. If no medical treatment is required, the employee should complete the Workers' Compensation Incident Report (found on the O: drive in the WORKERS COMP folder) and submit it to Human Resources. For information regarding Worker's Compensation benefits and/or application forms, see Human Resources.

13VIOLATION OF POLICIES

Violation of policies contained herein may result in reprimand, leave without pay, or termination.

14 SEPARATION FROM EMPLOYMENT

Upon separation from employment, AOC employees will turn in all building keys and photo IDs to the Deputy Director, logout and shutdown their computers, remove all personal possessions from their workspace, and turn in their state-issued credit card and any other property belonging to the State. The inventory control officer will verify that all state property assigned to the employee has been turned over to the AOC. Failure to return state property will result in a referral to the local prosecutor.

Before an employee's last day, the employee should schedule an exit interview with HR. When an employee ends employment with the AOC the employee's access to any network resources and email account will be disabled. The employee's email account will be backed up to read only media and will be stored with the personnel file. Employees who wish to recover personal files or examples of their work that does not include confidential or proprietary information should submit a written request within five (5) days of departure to their immediate supervisor. The employee's immediate supervisor will determine which documents may be provided to the employee.

15 Performance Evaluation Policy

15.1 Introduction and Purpose

The Administrative Office of the Courts Performance Evaluation Policy and Procedure is designed to foster employee development through mutual discussion and appropriate coaching and counseling by the employee's supervisor(s) throughout the year. The evaluation will serve as an input for salary increases or other awards. The evaluation will also serve to inform the employee regarding goals or indicators that require improvement and to establish methods for meeting expectations for performance in the coming year.

Certain behavioral competencies are critical to an employee's success. Generally, competencies encompass knowledge, skills, attitudes, and actions that distinguish performers.

Competencies for the Administrative Office of the Courts are grouped into five categories:

- **Job Performance Goals/Expectations:** job specific tasks and goals necessary for success in the employee's position.
- **Organizational Skills:** those skills necessary to succeed within the organization.
- **Communication Skills:** those skills that are related to interactions with others.
- **Job Effectiveness:** those skills required to be successful in any job.
- **Supervisory Skills:** those skills specific to effective supervision.

The employee's supervisor observes the employee's demonstration of competencies over time and:

- Determines the degree to which the employee exhibits the behaviors within the competency category, as a whole
- Identifies specific behaviors on which the appraiser would like the employee to focus
- Consults with employees who work closely with the employee being evaluated and who routinely observe the employee in the work setting

- Solicits input from the employee being evaluated regarding ways to increase the frequency of desired behaviors during the next performance cycle and concerning goals that the employee would like to accomplish.

Performance evaluations are confidential documents and are not to be shared with individuals who do not require access. Any employee found to have violated confidentiality will be subject to disciplinary action, up to and including termination.

A manager who fails to complete an employee's performance evaluation by the designated time may be ineligible for a performance increase or subject to disciplinary action as determined by the Director.

Although the Administrative Office of the Courts is exempt from the Uniform Classification and Compensation Act (Ark. Code Ann. § 21-5-204(a)(3)), this policy and procedure is intended to be substantially consistent with the goals of the Merit Pay Increase System authorized by Ark. Code Ann. § 21-5-1101 for agencies subject to the Uniform Classification and Compensation Act.

15.2 Scope

This policy applies to all employees of the Administrative Office of the Courts. This policy and procedure replaces Section 15 of the AOC Employee Handbook and Policy Manual that was effective January 1, 2018.

15.3 Definitions

- **Appraiser** – Person designated to supervise employees and who is responsible for developing, monitoring, and evaluating performance standards and results for employees who report to the person directly.
- **Eligibility Date** – All employees will have an eligibility date for the Merit Pay Increase of April 1.
- **Employee** – For purposes of conducting performance evaluation, employee shall mean all employees of the Administrative Office of the Courts.
- **Performance Goals and Expectations** – These are job-related expectations for the employee's position. They should be specific, measurable, achievable, results oriented, and time bound. Objectives should specify what they are meant to achieve. Managers should be able to measure whether the employee is meeting the objectives. Objectives should be realistic and attainable. Employees should be able to achieve the objectives with available resources. Each objective should have a target completion date.
- **Performance Review Meeting** – A meeting conducted at least 10 days prior to the employee's eligibility date between the employee and supervisor to review and discuss the final performance evaluation.
- **Role Model** – Employee's performance is exceptional and serves as a model for other employees. The employee made a major positive impact on the agency.
- **Highly Effective** – Employee's performance consistently surpasses established standards. The employee accomplished tasks and duties above requirements and made a positive impact on the agency.
- **Solid Performer** – Employee's performance meets all requirements for the position in a competent and proficient manner. This represents the expected level of performance as established by the agency director or supervisor.

- **Needs Development** – Employee's performance periodically falls short of requirements or the employee requires development in the position.
- **Unacceptable** – Employee's performance is inadequate, and the employee has demonstrated an inability or unwillingness to improve or meet requirements.

15.4 Performance Evaluation Procedure

15.4.1 New Hires

- The employee and appraiser shall meet sufficiently in advance of the next performance evaluation to review the employee's position description and establish the performance goals and expectations for the next evaluation.
- The employee and appraiser will review the form that will be used to conduct the annual performance evaluation and record at least five performance goals and expectations on the form.
- A copy of the performance evaluation form shall be provided to the employee and retained by the appraiser for additional review as needed during the course of the year.

15.4.2 Instructions for Completing the Performance Evaluation Process

- Approximately one month before the due date of the performance review, the employee will be provided with a copy of the evaluation form, the employee's previous evaluation if applicable, and a copy of the employee's position description.
- The employee will be required to conduct a self-evaluation using the AOC Performance Review Employee Self-Evaluation Form. The self-evaluation shall include the employee's recommendations for goals for the coming year. A date will be set for the employee to complete and return the self-evaluation, and a time and date for the performance review meeting will be established.
- The appraiser is encouraged to consult with employees who work closely with the employee being evaluated and who routinely observe the employee in the work setting.
- Using the information gathered from the employee self-evaluation and consultants, the supervisor will prepare a final performance evaluation using the AOC Employee Performance Evaluation Form.
- During the performance review meeting, the appraiser will review the final evaluation with the employee both highlighting achievements and noting areas requiring improvement and discussing strategies to attain desired performance.
- The appraiser and employee will record the agreed to skills, projects, and training for the next year.
- The appraiser and employee will record the job performance goals/expectations, which may include development of skills, completion of projects or training on an AOC Employee Performance Evaluation Form that will be used in the next annual review.
- At the conclusion of the meeting the appraiser will print and sign two copies of the current evaluation and provide the employee a copy of the evaluation to be used at the next review.
- The employee will sign both copies of the current evaluation and retain one for the employee's records. The employee may indicate the desire to attach comments to the evaluation by checking the appropriate box below the employee's signature.
- The appraiser will retain a copy of the evaluation and provide copies to the appraiser's supervisor, group manager, division director, deputy director, and personnel manager.

15.4.3 Instructions for Completing the Performance Evaluation Form

- The AOC Employee Performance Evaluation Form is a Microsoft Excel spreadsheet.
- The appraiser should double click into the appropriate cell to record information. Double clicking allows the user to locate the cursor so that text is not accidentally overwritten. The Undo button will allow a quick recovery of accidentally overwritten text.
- The performance evaluation is composed of two major sections:
 - The Job Performance/Goals section is worth 60% of the overall score of the evaluation.
 - The Key Job Performance Indicators is worth 40% of the overall score of the evaluation.
- Each element of the two sections will receive a rating from 1 to 20 representing the following scale using the definitions above: Role Model (20), Highly Effective (16-19), Solid Performer (11-15), Needs Development (6-10), and Unacceptable (1-5).
- The overall rating is equal to 60% of the average value of the Job Performance/Goals section plus 40% of the average value of the Key Job Performance Indicators section.

Employee Name – enter the name of the employee being appraised.

Job Title – enter the title of the employee being appraised

Division – enter the AOC Division in which the employee works

Reviewer – enter the name of the employee’s supervisor(s) conducting the evaluation

Review Date – enter the date on which the employee evaluation was conducted

Job Performance Goals/Expectations – The appraiser will select five primary job duties from the job description or important goals that the employee was expected to complete within the year and rate them individually on how well the employee performed since the last evaluation.

Performance Goals/Expectations Comments – The appraiser will provide comments to justify the scores in the Job Performance Goals/Expectations section. It is very important that comments be provided to justify low and high scores. The goals and expectations must be specific, measurable, achievable, results oriented, and time bound.

Key Job Performance Indicators – The skills in this section reflect the common values of the organization that contribute to the overall success of the agency. The items in this section are included in four key categories of job performance. These are organizational skills, communication skills, job effectiveness, and supervision skills. The supervisor will rate each item on how well the employee performed since the last evaluation; however, supervision skills should only be rated if the employee has supervisory responsibilities.

Key Job Performance Indicators Comments – The appraiser will provide comments to justify the scores in the Key Job Performance Indicators section. It is very important that comments be provided to justify low and high scores.

Skills, Projects and Training for Next Year – The appraiser will work with the employee to list goals to target for the next year. The information listed in this section may be used in the Job Performance Goals/Expectations section for the following year.

Performance Scoring – Based on the values entered in the sections above, the performance scores are calculated, and the overall performance rating of the employee is displayed.

Employee Signature / Date – After completing the evaluation, and printing the form, the employee will sign and date the form, indicating that the evaluation is complete. The employee's signature does not indicate agreement with the outcome of the review.

Checkbox – The employee will indicate whether or not they wish to attach comments to the evaluation. To be included in the submission of the completed evaluation the personnel manager, the appraiser must receive the comments within 5 business days.

Supervisor Signature / Date – After the employee will signs and dates the form, the employee's supervisor who conducted the evaluation will sign and date the form indicating that the evaluation is complete and that the employee was provided a copy of the evaluation.

15.5 ACKNOWLEDGMENT OF AOC EMPLOYEE HANDBOOK AND POLICY MANUAL

I acknowledge that I have read the AOC Employee Handbook and Policy Manual in its entirety and have discussed any questions with my supervisor.

Employee Name

Employee Signature

Date

HR Representative Name

HR Representative Signature

Attorney Ad Litem Information Form

Last Name: Copeland
First Name: Casey Preferred name: Casey
Address listed on W9 form: PO Box 270
City: Prairie Grove State/Zip: AR 72753
Office/public address (if different): NA
City: NA State/Zip: NA
Office phone: NA
Cell phone: 479 305 0750
Check here if you do not want "Cell phone" information made public. ☐
Email address: Caseydcopeland@gmail.com

Employment Information

AR Bar#: 2005022
Full-time hire date*: _____
* Full time, list prior contract AAL date if applicable.
Contract hire date: June 2016?
Current salary/contract: \$2600 ish
Beginning salary: (full time only) _____

**DFA ILLEGAL IMMIGRANT CONTRACTOR DISCLOSURE
CERTIFICATION FORM**

CONTRACTOR NAME: Casey D Copeland

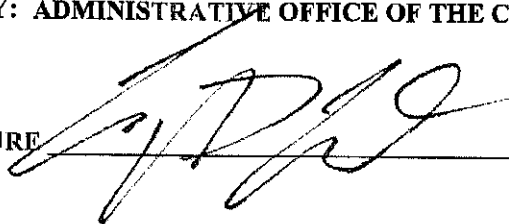
CONTRACT TYPE: PROFESSIONAL SERVICES

DISCLOSURE STATEMENT: DO YOU EMPLOY OR CONTRACT ILLEGAL
IMMIGRANT(S): YES ☐ NO ☒

E-MAIL ADDRESS: Caseydcopeland@gmail.com

AGENCY: ADMINISTRATIVE OFFICE OF THE COURTS

SIGNATURE



DATE 2020-05-26

Casey D. Copeland - ARJDC.org

From: Casey Copeland [mailto:caseydcopeland@gmail.com]

Sent: Monday, January 29, 2018 10:48 AM

To: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>; Stasia B. McDonald <Stasia.McDonald@arcourts.gov>;
Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Subject: Possibility of running for office

Jennifer, Stasia, and Janet,

I am considering entering the race for Arkansas House of Representatives for District 80, and I wanted to run this idea past you all, in case there are any issues or concerns that I am unaware of. Please let me know if you would like to visit about this, or if there are any problems with me running for office.

Casey D. Copeland

Arkansas Attorney Ad Litem -- ARJDC.org

Child Welfare Law Specialist -- NACC.org

PO Box 270, Prairie Grove, AR 72753

Ph: [479-305-0750](tel:479-305-0750) Fx: [479-935-9246](tel:479-935-9246)

CaseyDCopeland@gmail.com

Download

< Previous 139 of 148 Next > X ⓘ

From: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov> on behalf of Janet L. Bledsoe
Sent on: Monday, January 29, 2018 5:20:10 PM
To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
CC: Casey Copeland <CaseyDCopeland@gmail.com>
Subject: RE: Possibility of running for office

Stasia and Jennifer,

For what it's worth, Casey is a part time contractor. I know that AOC Policy indicates that employees should not run for or hold judicial or partisan elected offices and indicates that an employee who declares an intention to run for such an office must take an unpaid leave of absence upon filing paperwork. I'm not aware of anything similar that applies to contractors, and I know within the Program, over the years, there have been several contractors who have run for judicial offices.

Janet L. Bledsoe
 Attorney ad Litem Program Assistant Director
 Email: janetbledsoe@arcourts.gov

https://docs.google.com/uc?export=download&id=0B-0_-jt_miCAsnlyY1FrQjRCVW8&revid=0B-0_-jt_miCAc3ZDdmxcDREWJfKtlc0RGJabUJMwk1YRwo4PQ



Upcoming DN AAL Trainings:
 2018 Children in the Courts
 May 7-9, 2018
 Embassy Suites Hotel, Little Rock AR

From: Casey Copeland [mailto:caseydcopeland@gmail.com]
Sent: Monday, January 29, 2018 10:48 AM
To: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>; Stasia B. McDonald <Stasia.McDonald@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Subject: Possibility of running for office

Jennifer, Stasia, and Janet,

I am considering entering the race for Arkansas House of Representatives for District 80, and I wanted to run this idea past you all, in case there are any issues or concerns that I am unaware of. Please let me know if you would like to visit about this, or if there are any problems with me running for office.

Casey D. Copeland
 Arkansas Attorney Ad Litem -- ARJDC.org
 Child Welfare Law Specialist -- NACC.org
 PO Box 270, Prairie Grove, AR 72753
 Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com



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From: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov> on behalf of Janet L. Bledsoe
Sent on: Monday, January 29, 2018 4:30:24 PM
To: Casey Copeland <caseydcopeland@gmail.com>
Subject: RE: Question


Casey,

Because you are a contractor, I am not aware of any policy that would affect your running for office. The only limitation I am aware of is the AOC policy that applies to employees and requires them to take unpaid leave. Having said that, if this is something that you are seriously considering, I think it would be appropriate to have a conversation with the new Program Director and the new Juvenile Division Director before you file to ensure the new administration is aware and that there are no other policies that may be in the works that might apply.

Janet L. Bledsoe

Attorney ad Litem Program Assistant Director

Email: janet.bledsoe@arcourts.gov

 https://docs.google.com/uc?export=download&id=0B-0_-jt_miCAsnlyY1FrQjRCVW8&revid=0B-0_-jt_miCac3ZDdmxocDREWjFkTlc0RGJabUJMwK1YRWo4PQ



Upcoming DN AAL Trainings:

2018 Children in the Courts

May 7-9, 2018

Embassy Suites Hotel, Little Rock AR

From: Casey Copeland [mailto:caseydcopeland@gmail.com]
Sent: Sunday, January 28, 2018 6:27 PM
To: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>
Subject: Question

Janet,

Are there any limitations to me running for state representative?

Casey D. Copeland

Arkansas Attorney Ad Litem -- ARJDC.org

Child Welfare Law Specialist -- NACC.org

PO Box 270, Prairie Grove, AR 72753

Ph: 479-305-0750 Fx: 479-935-9246

CaseyDCopeland@gmail.com





On Wed, Jan 31, 2018 at 9:02 AM, Stasia B. McDonald <Stasia.McDonald@arcourts.gov> wrote:

Casey,

Thank you for your inquiry, and for letting us know your thoughts ahead of time. Jennifer Craun discussed this issue with Marty Sullivan, Director of the AOC. The AOC policy is:

10.9 Political Activity

The judiciary seeks to maintain neutrality concerning political matters to the extent humanly possible. While AOC employees have the right to hold and express personal opinions about political candidates and issues, when performing their duties on behalf of the judicial branch (during regular working hours), AOC employees should endeavor to maintain neutrality in action and appearance.

Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activities include, but are not limited to, membership and holding office in a political party and campaigning for a candidate in a partisan election by making speeches and making contributions of time and money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours should not use his or her position or title within the court system in connection with such political activities.

Employees should not run for or hold judicial or partisan elective office. An employee who declares an intention to run for a judicial or partisan elective office must take an unpaid leave of absence upon the filing of nomination papers.

Employees should not engage in any political activity during scheduled work hours, when using government vehicles or equipment, or on state property. Political activity includes, but is not limited to: (a) displaying literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency, candidate for political office or political issues sought to be placed on the ballot, (b) using official authority or position directly or indirectly to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity, (c) soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot, and (d) soliciting or receiving funds for political purposes.

The Director has decided that for partisan elections, this policy will be applied for full-time and contract employees. If you decide to run for office, you will need to take an unpaid leave of absence. This decision was based on the AOC's intent to remain neutral. Please let us know what you decide, and we will determine the next steps. We wish you the best if you decide to run, and know that is a huge undertaking.

Please feel free to contact me with any questions or other thoughts you may have.

Regards,

Stasia B. McDonald, J.S.

Attorney ad litem Program Director

Administrative Office of the Courts

625 Marshall Street

Little Rock, AR 72201

(501) 419-1931

FW: Possibility of running for office

Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Wed 1/31/2018 9:47 AM

To: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>

Come see me when you read this...

From: Jennifer L. Craun

Sent: Wednesday, January 31, 2018 9:44 AM

To: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Subject: FW: Possibility of running for office

Marty,

I am forwarding the response we received from the ad litem wanting to run for office. I don't know that it makes a difference but I wanted you to see it. Thanks!

Jennifer

From: Casey Copeland [mailto:caseydcopeland@gmail.com]

Sent: Wednesday, January 31, 2018 9:31 AM

To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>

Cc: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>; Jennifer L. Craun <jennifer.Craun@arcourts.gov>

Subject: Re: Possibility of running for office

Stasia,

That is disappointing, and somewhat unfair. I was told in 2016 that I would have to take leave to run for District Judge, and I did; giving up the benefits of employment. I was told that the policy did not apply to contractors, and that various contractors in the past had run for office without having to give up part of their livelihood.

I have been a firm advocate for children and for the AAL program, and I want to take my experience and passion to the General Assembly where too many lawmakers lack the understanding of our work. The policy creates a distinct disadvantage to the people we should want in public office, and it perpetuates the lack of understanding the processes that effect lawmaking for juvenile proceedings. No such limitation keeps parent counsel attorneys from seeking office, and of course, private attorneys have no such hurdle.

I have some time before I have to make a decision, but in the meantime I would ask that you, Jennifer, and Janet consider asking Mr. Sullivan to reconsider this decision. I will reach out to him myself, but I would really appreciate the support of the Juvenile Justice Division Director, Attorney Ad Litem Program Director, and the Attorney Ad Litem Program Assistant Director.

Casey D. Copeland

Arkansas Attorney Ad Litem -- ARJDC.org

Child Welfare Law Specialist -- NACC.org

PO Box 270, Prairie Grove, AR 72753

Ph: 479-305-0750 Fx: 479-935-9246

CaseyDCopeland@gmail.com

RE: AOC Employee Policy

Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Wed 1/31/2018 2:57 PM

To: Casey Copeland <caseydcopeland@gmail.com>

Casey,

I appreciate your message. I'll let you know of my decision by the end of the week.

My best,

Marty S.

From: Casey Copeland [mailto:caseydcopeland@gmail.com]

Sent: Wednesday, January 31, 2018 10:41 AM

To: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Subject: AOC Employee Policy

Mr. Sullivan:

I understand that you have decided to apply the AOC employee policy requiring full-time employees to take leave while they seek elective office to non-employee part-time contractors. I would like to ask you to reconsider this decision.

First, I believe the policy is problematic in that whereas it restricts employees, and now non-employee contractors, from seeking or holding office, it does not restrict them from campaigning for partisan candidates, raising money for candidates or political parties, or from engaging in partisan political activities in general. Those activities are just as political and partisan as running for office in itself.

Also, I am a non-employee part-time contractor who is able to help a few children and families. As a member of the General Assembly, I would be able to apply my experience and knowledge to improve our child welfare system in a more expansive way. I am a Child Welfare Law Specialist through the National Association of Counsel for Children, and I am training in ChildFirst Forensic Interviewing; not to mention the training I attend as an AAL.

Further, I would certainly not be campaigning for office while performing my duties as an Attorney Ad Litem, just as I do not act as an dependency-neglect Attorney Ad Litem when I am acting as a domestic-relations Attorney Ad Litem, or as private counsel.

Finally, I should note that the area which I serve as Attorney Ad Litem is not the same as district that I would be running for office, so there would be little concerns of a conflict or impartiality.

Again, I ask that you please reconsider the decision to apply the AOC employee policy to non-employee part-time contractors. Thank you.

Casey D. Copeland

Arkansas Attorney Ad Litem -- ARJDC.org

Child Welfare Law Specialist -- NACC.org

PO Box 270, Prairie Grove, AR 72753

Ph: 479-305-0750 Fx: 479-935-9246

CaseyDCopeland@gmail.com

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From: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov> on behalf of Janet L. Bledsoe
Sent on: Thursday, April 1, 2021 9:46:29 PM
To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>; Sam R. Kauffinan <Sam.Kauffinan@arcourts.gov>; Marty E. Sullivan <marty.sullivan@arcourts.gov>
Subject: FW: DN Cases

See below

Janet L. Bledsoe, J.D., LL.M., CWLS*
 Attorney *ad litem* Program Assistant Director | Administrative Office of the Courts
 3101 Erce Ferry Road, Suite E | Fort Smith, AR 72903
 Office: 479-782-2333 | Fax: 501-682-2662
Janet.Bledsoe@arcourts.gov, <http://www.arcourts.gov/>
 *Certified by the National Association of Counsel for Children

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From: Casey Copeland <caseydcopeland@gmail.com>
Sent: Thursday, April 1, 2021 4:39 PM
To: Gayla Moses <gmoses@co.sebastian.ar.us>; Jeanne Whitmire <Jeanne.Whitmire@dhs.arkansas.gov>
Cc: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>
Subject: DN Cases

Gayla and JA,

Earlier this week, I contacted my State Rep, Charlene Fite, and let her know that I was ashamed of her for sponsoring and supporting recent anti-transgender legislation. Rep Fite submitted my email to Marty Sullivan, Director of the AOC, who passed it along to the AAL Program Director.

Today, the AAL Program Director has informed me that my contract with the AOC will be terminated as of 30 days from today. So, I'll be turning over my files to Janet, who will either handle the cases or assign them to other attorneys.

Casey D. Copeland

Arkansas Bar No. 2005022
 Child Welfare Law Specialist, naccchildlaw.org
 Arkansas Attorney Ad Litem, arcourts.gov
 PO Box 270, Prairie Grove, AR 72753
 Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com

**CHILD WELFARE
 LAW SPECIALIST**
 National Association
 of Counsel for Children



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From: Casey Copeland <caseydcopeland@gmail.com>
Sent on: Friday, April 2, 2021 1:14:23 AM
To: Jo Carson <jocarson@mac.com>; Linda Hamilton <linda.hamilton@arcourts.gov>; Elizabeth Armstrong <elizabeth.armstrong@arcourts.gov>; Robert Kelly <robert.kelly@arcourts.gov>; Shelton Sargent <sarglaw@aol.com>; Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>
Subject: DN Contract

Friends,

On Tuesday, I emailed my State Representative, Charlene Fite, to express my shame at her support for the recent anti-transgender legislation. Rep. Fite forwarded my email to Marty Sullivan, Director of the AOC, and Marty sent it on to Stasia. Today, Stasia has informed me that my AOC contract is terminated as of 30 days from now, and that I am to turn over my files to Janet.

I have enjoyed working with all of you over the years, and I am more than proud of the work you (we) do for children in Arkansas. I am, however, very ashamed of the AOC and our AAL program for allowing a state legislator to influence their contract/employment decisions.

See you around!

Casey D. Copeland

Arkansas Bar No. 2005022
 Child Welfare Law Specialist, naccchildlaw.org
 Arkansas Attorney Ad Litem, arcourts.gov
 PO Box 270, Prairie Grove, AR 72753
 Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com



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Brooke F. Steen

From: Brooke F. Steen
Sent: Friday, May 21, 2021 8:56 PM
To: Casey D. Copeland
Subject: Re: New Email

Thank you!

Brooke F. Steen
Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Casey D. Copeland <caseydcopeland@protonmail.com>
Sent: Friday, May 21, 2021 5:11:53 PM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: New Email

Brooke,

I'm moving away from GMail for official communications. Please use this email address for me going forward.

Respectfully,
Casey D. Copeland
Attorney At Law
Arkansas Bar No. 2005022
Qualified Attorney Ad Litem, Arkansas
Child Welfare Law Specialist, NACC
PO Box 270, Prairie Grove, AR 72753
ph: 479-305-0750 fx: 479-935-9246

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Sent with [ProtonMail](#) Secure Email.

Brooke F. Steen

From: Brooke F. Steen
Sent: Monday, May 24, 2021 7:47 AM
To: Casey D. Copeland
Subject: Re: Ethics Complaint - Cassie Teague

Thank you!

Brooke F. Steen
Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Casey D. Copeland <caseydcopeland@protonmail.com>
Sent: Monday, May 24, 2021 6:50:01 AM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: Ethics Complaint - Cassie Teague

Brooke,

Ms. Teague's (Traylor) complaint against me has also been closed. The letter from Ms. Ballard is attached for your information.

Respectfully,

Casey D. Copeland

Attorney At Law
Arkansas Bar No. 2005022
DR/PR/DN Attorney Ad Litem,
~ Arkansas Administrative Office of the Courts
Child Welfare Law Specialist,
~ National Association of Counsel for Children
PO Box 270, Prairie Grove, AR 72753
Phone: 479-305-0750 Fax: 479-935-9246
Backup Email: caseydcopeland@gmail.com

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Brooke F. Steen

From: Casey D. Copeland <caseydcopeland@protonmail.com>
Sent: Monday, May 24, 2021 6:50 AM
To: Brooke F. Steen
Subject: Ethics Complaint - Cassie Teague
Attachments: T-2021-044 Atty Notification Letter 05-18-21.pdf

Brooke,

Ms. Teague's (Traylor) complaint against me has also been closed. The letter from Ms. Ballard is attached for your information.

Respectfully,

Casey D. Copeland

Attorney At Law
Arkansas Bar No. 2005022
DR/PR/DN Attorney Ad Litem,
~ Arkansas Administrative Office of the Courts
Child Welfare Law Specialist,
~ National Association of Counsel for Children
PO Box 270, Prairie Grove, AR 72753
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**ARKANSAS SUPREME COURT
OFFICE of PROFESSIONAL CONDUCT**

Lisa C. Ballard, Executive Director
Michael E. Harmon, Deputy Director
Charlene A. Fleetwood, Senior Staff Attorney
Caroline S. Bednar, Staff Attorney
Toll Free: (800) 506-6631

Riverdale Plaza
2100 Riverfront Drive, Suite 200
Little Rock, AR 72202-1747
(501) 376-0313 Telephone
(501) 376-3438 Facsimile

May 18, 2021

VIA E-MAIL ONLY
caseydcopeland@gmail.com

Casey D. Copeland
P.O. Box 270
Prairie Grove, AR 72753

*Re: OPC Case No. T-2021-044
Complainant: Cassie Nicole Traylor*

Dear Mr. Copeland:

During our investigation of this grievance against you, the Office of Professional Conduct contacted you, or in some manner, notified you of the existence of this grievance. OPC has closed the file without any formal action taken. The time for the complainant to seek a review by a Committee panel has now passed, therefore, the grievance is closed and final.

After three years from the date of this closure, the file will be destroyed. The only record of this file in our office will be on a list of grievance files that once existed.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,



Lisa C. Ballard
Executive Director

LCB/bj

Brooke F. Steen

From: Brooke F. Steen
Sent: Sunday, April 25, 2021 8:28 PM
To: Sam R. Kauffman
Subject: Fwd: Casey Copeland

Brooke F. Steen
Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Sent: Tuesday, April 6, 2021 9:24:34 AM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: FW: Casey Copeland

Sounds like this is DR...

Stasia Burk McDonald
Attorney *ad litem* Program Director | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-410-1951 | Fax: 501-682-2662
Stasia.mcdonald@arcourts.gov | <https://www.arcourts.gov/>

From: Cassie <cassietraylor1@gmail.com>
Sent: Tuesday, April 6, 2021 9:14 AM
To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Subject: Casey Copeland

My name is Cassie Traylor/Teague. Mr.Copeland was appointed to represent my daughter Scarlett Farris, Domestic Relations. It was Cheryal Anderson, but i had her removed due to conflicts of interest with my X spouse parents. Casey was secound, anywho i have a groevance with the ABO as of Feb,1st. My attorney was kelly procter pierce, we actually tried to remove him back in October, it never got acknowleged!!!. So My grievance has been passed on to the next person Micheal Harmon passed it as of last week. So i got youre information off casey website. Criminal neglect is what got my custodial custody taken due to a seatbelt. Well D.H.S. C.P.S. is not or took the report seriously. So i am reaching out. A seatbelt grounds for taking my daughter. Brian, is a abusive person, physically, mentally, i got a protection order on the grounds of him being abusive to me infront of kids. He has been diagnosed with PTSD since we started. But my defense hasnt gotten the paperwork,on his course of treatment. He also got. Medical marijuana card. That we have not

seen yet. I complied with casey, very cooperative, and volunteer everything i could show i have the best interest of the child. Can you give me update on my daughter being taken.do to a seatbelt. I await further

Brooke F. Steen

From: Brooke F. Steen
Sent: Thursday, May 13, 2021 9:23 AM
To: Cohen Copeland
Subject: Re: Annual CLE Requirement

You are correct! 4 hours.

Brooke F. Steen
Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Casey Copeland <caseydcopeland@gmail.com>
Sent: Thursday, May 13, 2021 8:55:59 AM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: Annual CLE Requirement

Ms. Steen,

Is it still 4 hours per year, or has Admin 15.1(4) changed and I missed it?

--

Casey D. Copeland

Arkansas Bar No. 2005022
Child Welfare Law Specialist, naccchildlaw.org
Arkansas Attorney Ad Litem, arcourts.gov
PO Box 270, Prairie Grove, AR 72753
Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com



Brooke F. Steen

From: Brooke F. Steen
Sent: Wednesday, May 12, 2021 8:24 AM
To: Casey Copeland
Subject: RE: Stockslager - Request for Payment

Thank you!

Brooke F. Steen

Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Casey Copeland <caseydcopeland@gmail.com>
Sent: Wednesday, May 12, 2021 8:22 AM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: Stockslager - Request for Payment

Casey D. Copeland

Arkansas Bar No. 2005022
Child Welfare Law Specialist, naccchildlaw.org
Arkansas Attorney Ad Litem, arcourts.gov
PO Box 270, Prairie Grove, AR 72753
Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com



Brooke F. Steen

From: Brooke F. Steen
Sent: Wednesday, May 12, 2021 8:26 AM
To: Casey Copeland
Subject: RE: Request for Payment - This one is signed...

No problem. Got it.

Brooke F. Steen

Staff Attorney | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-682-9400 | Fax: 501-682-9410
brooke.steen@arcourts.gov | <https://www.arcourts.gov>

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From: Casey Copeland <caseydcopeland@gmail.com>
Sent: Wednesday, May 12, 2021 8:25 AM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: Request for Payment - This one is signed...

Sorry, forgot to sign the other one...

Casey D. Copeland

Arkansas Bar No. 2005022
Child Welfare Law Specialist, naccchildlaw.org
Arkansas Attorney Ad Litem, arcourts.gov
PO Box 270, Prairie Grove, AR 72753
Ph: 479-305-0750 Fx: 479-935-9246
CaseyDCopeland@gmail.com



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New iMessage

Cancel

To: Michial Armstrong

Thu, Apr 8, 10:08 AM

Hey there. The legislation I talked with you about (HB1563) seems to have stalled. Another piece of legislation (SB594) is on the agenda of senate insurance & commerce committee at 2 today and CO detectors/ fire alarms are not included. My deceased friend's mom is planning to testify against and would like me to go with her. I plan to submit leave and join her if it's not pulled before then. Please let me know if this is ok or not ok, and of course pending approval of the leave by Cecil/Lee. Thanks!



New iMessage

Cancel

To: Michial Armstrong

talked with you about (HB1563) seems to have stalled. Another piece of legislation (SB594) is on the agenda of senate insurance & commerce committee at 2 today and CO detectors/ fire alarms are not included. My deceased friend's mom is planning to testify against and would like me to go with her. I plan to submit leave and join her if it's not pulled before then. Please let me know if this is ok or not ok, and of course pending approval of the leave by Cecil/Lee. Thanks!



Sure. You may go. Good luck.

If you speak, obviously don't mention your work. I'll make



New iMessage

Cancel

To: Michial Armstrong

Absolutely! Thank you so much!!! I don't plan to speak today and not signed up. If I do I'll start with "I am a state employee but am representing only myself and the opinions I'm expressing are my own." Or something like that.



Or I suppose not mention state employee, want to be sure I am not crossing lines

Sure, just leave out the state employee part. No need.

Delivered

Kk! Thank you!



Re: HB1499

Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Fri 3/19/2021 9:52 AM

To: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Thanks.

On Mar 19, 2021, at 9:50 AM, Jennifer L. Craun <Jennifer.Craun@arcourts.gov> wrote:

Marty,

As we previously discussed, Rep. Gazaway asked Stasia to testify concerning HB1499. It is on the agenda Monday in Aging, Children, and Youth. She is planning to testify in her personal capacity in order to provide information about the history of the Commission on Child Abuse, Rape, and Domestic Violence and answer questions about how the bill would impact the Commission and the children it serves. She is taking leave Monday.

Jennifer L. Craun

Juvenile Justice Division Director | Administrative Office of the Courts

625 Marshall St. | Little Rock, AR 72201

Office: 501-410-1950 | Fax: 501-682-2662

jennifer.craun@arcourts.gov | <https://www.arcourts.gov/>

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RE: Testimony before Aging, Children, and Youth Committee

Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Tue 3/9/2021 9:00 AM

To: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

I will let her know. Thank you.

Jennifer L. Craun

Juvenile Justice Division Director | Administrative Office of the Courts

625 Marshall St. | Little Rock, AR 72201

Office: 501-410-1950 | Fax: 501-682-2662

jennifer.craun@arcourts.gov | <https://www.arcourts.gov/>

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From: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Sent: Tuesday, March 9, 2021 8:37 AM

To: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Subject: Re: Testimony before Aging, Children, and Youth Committee

She may testify in her individual capacity if she chooses.

From: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Sent: Tuesday, March 9, 2021 8:31 AM

To: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>

Subject: FW: Testimony before Aging, Children, and Youth Committee

Please see below.

Jennifer L. Craun

Juvenile Justice Division Director | Administrative Office of the Courts

625 Marshall St. | Little Rock, AR 72201

Office: 501-410-1950 | Fax: 501-682-2662

jennifer.craun@arcourts.gov | <https://www.arcourts.gov/>

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From: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Sent: Tuesday, March 9, 2021 8:30 AM
To: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Subject: FW: Testimony before Aging, Children, and Youth Committee

I received the message below in my personal email account. I have not spoken to Rep. Gazaway or replied to his message.
I am not sure how to handle this situation or what my parameters are since this bill does not impact our agency.

Please let me know if we need to discuss this and how to proceed.

Thank you,
Stasia Burk McDonald
Attorney ad litem Program Director | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Office: 501-410-1951 | Fax: 501-682-2662
Stasia.mcdonald@arcourts.gov | <https://www.arcourts.gov/>

From: stasia burk <attyadlitem@yahoo.com>
Sent: Tuesday, March 9, 2021 6:42 AM
To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Subject: Fw: Testimony before Aging, Children, and Youth Committee

----- Forwarded Message -----

From: Jimmy Gazaway <jimmygazaway@sbcglobal.net>
To: "attyadlitem@yahoo.com" <attyadlitem@yahoo.com>
Sent: Monday, March 8, 2021, 09:27:17 PM CST
Subject: Testimony before Aging, Children, and Youth Committee

Stasia,

Given your extensive knowledge of the history of the MDT program and your experience working with MDT teams and the CACs, I am requesting that you attend the House Aging, Children, and Youth Committee meeting for the purpose of giving testimony to the committee re: HB1499. I believe your testimony would aid the committee in understanding the issues presented by HB1499. I expect the bill will be considered by the committee at one of the meetings next week.

Sincerely,
Rep. Jimmy Gazaway

Sent from my iPhone