

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

JUN 02 2021

JAMES W. McCORMACK, CLERK
By: _____
DEP CLERK

CASEY D. COPELAND

PLAINTIFF

vs.



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

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
AND DECLARATORY RELIEF**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure and other applicable law, Plaintiff Casey D. Copeland moves this Court for a preliminary injunction and declaratory relief. In support of this motion, Plaintiff Copeland submits the following:

1. Casey D. Copeland is a resident of Arkansas Legislative District 80. Before March 30, 2021, he served as an attorney *ad litem* for the Arkansas Administrative Office of the Courts ("AOC") Dependency-Neglect Program.
2. Charlene Fite is an Arkansas legislator. Since January 14, 2013, she has represented District 80 in the Arkansas House of Representatives.
3. The Arkansas General Assembly passed a bill impacting children who

identified as transgender. Representative Fite was one of the majority of legislators who supported such legislation and was a sponsor of House Bill 1570.

4. On March 30, 2021, at about 2:40 p.m., Plaintiff sent an e-mail to Representative Fite—his district’s representative—criticizing her sponsorship of House Bill 1857.

5. Representative Fite forwarded the e-mail she had received from Plaintiff to individuals at AOC.

6. Approximately 48 hours later, Plaintiff was terminated as an AOC Dependency-Neglect Attorney Ad Litem.

7. Plaintiff contends that his termination was in retaliation for his exercise of his First Amendment Rights, namely his private communication with his state legislator, Representative Charlene Fite, on an issue of public concern, which included his criticism of Representative Fite’s sponsorship of House Bill 1570.

8. As a result, Plaintiff requests the Court enter a preliminary injunction to enjoin AOC from hiring a replacement for his position and ordering that Plaintiff be reinstated and restored to his prior position with full benefits, including restoration to the cases he was assigned to at the time of his termination, and that his contract for 2020-21 be renewed for 2021-22.

9. This motion is supported by the following which are adopted and

incorporated herein by this reference.

- A. 2020-2021 Copeland Professional Services Contract with the AOC,
Exhibit 1;
- B. March 30, 2021, 2:41 PM e-mail from Plaintiff to Arkansas State
Representative Charlene Fite, an accurate copy of which is attached as
Exhibit 2;
- C. March 30, 2021, 4:20 PM e-mail from Defendant Marty Sullivan to Sam
Kauffman, Jennifer Craun and Defendant McDonald and from Defendant
McDonald to Plaintiff, an accurate copy of which is attached as Exhibit
3;
- D. April 1, 2021 letter from Defendant McDonald to Plaintiff, an accurate
copy of which is attached as Exhibit 4;
- E. March 30, 2021, 4:14 PM email from Fite to Steen, an accurate copy of
which is attached as Exhibit 5;
- F. March 30, 2021, 4:16 PM email from Steen to Sullivan, an accurate copy
of which is attached as Exhibit 6;
- G. March 30, 2021, 4:27 PM e-mail from Defendant Sullivan to Defendant
McDonald, Brooke Steen, Kristin Clark, and Jennifer Craun, an accurate
copy of which is attached as Exhibit 7;
- H. March 30, 2021, 4:39 PM e-mail from Defendant McDonald to Steen,

Defendant Sullivan, Clark, Kauffman, and Cruan, an accurate copy of which is attached as Exhibit 8;

- I. March 30, 2021 text message from Fite to Janet Bledsoe, an accurate copy of which is attached as Exhibit 9;
- J. March 30, 2021, 4:43 PM e-mail from Defendant McDonald, an accurate copy of which is attached as Exhibit 10;
- K. March 31, 2021, 11:22 AM e-mail from Defendant Sullivan to Kauffman and Cruan, an accurate copy of which is attached as Exhibit 11;
- L. March 31, 2021, 3:33 PM e-mail from Kauffman to Defendant McDonald and Cruan, an accurate copy of which is attached as Exhibit 12;
- M. April 1, 2021 letter from Plaintiff to Defendant McDonald, an accurate copy of which is attached as Exhibit 13;
- N. April 1 2021 text messages from and to Defendant Sullivan, Kauffman, and Cruan, an accurate copy of which is attached as Exhibit 14;
- O. April 5, 2021, 10:02 AM electronic message from Defendant McDonald to Plaintiff, an accurate copy of which is attached as Exhibit 15;
- P. September 13, 2018 electronic messages to and from Representative Charlene Fite and Janet Bledsoe, an accurate copy of which is attached as Exhibit 16;

Q. January 12, 2019 letter from Plaintiff to Fite, an accurate copy of which is attached as Exhibit 17;

R. January 20, 2019, 10:49 AM e-mail from Plaintiff to Fite, an accurate copy of which is attached as Exhibit 18;

S. January 20, 2019, 12:51 PM e-mail from Fite to Bledsoe, an accurate copy of which is attached as Exhibit 19;

T. State of Arkansas Administrative Office of the Courts Dependency-Neglect Attorney Ad Litem Program Policy and Procedure Manual, Effective Date: July 1, 2020, an accurate copy of which is attached as Exhibit 20;

U. Declaration of Casey D. Copeland, an accurate copy of which is attached as Exhibit 21; and

V. Plaintiff's supporting brief, filed contemporaneously with this Motion.

WHEREFORE, Plaintiff Copeland respectfully requests that this Court:

1. Issue a preliminary and permanent injunction prohibiting Defendants, their employees and agents and successors from violating Plaintiff's right to free speech under the First and Fourteenth Amendments and/or his right to petition his elected officials under the First and Fourteenth Amendments.

2. Enter a judgment declaring that the termination of Plaintiff's contract constitutes a violation of the United States Constitution;

3. Enter a preliminary injunction requiring Defendants to reinstate Plaintiff's 2020-21 contract and to renew his contract for 2021-22; enjoining Defendants from hiring a replacement for Plaintiff's position, and ordering that Plaintiff be reinstated and restored to his prior position with full benefits, including restoration to the cases he was assigned to at the time of his termination.

4. Award Plaintiff's costs and attorneys' fees pursuant to 42 U.S.C. §1988;
and

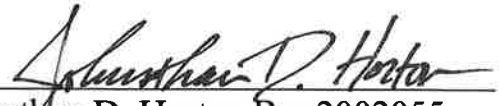
5. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

Dated: June 2ND, 2021.

Bettina E. Brownstein Bar 85019
Bettina E. Brownstein Law Firm
904 West 2nd Street, Suite 2
Little Rock, Arkansas 72201
(501)920-1764
bettinabrownstein@gmail.com

-and-

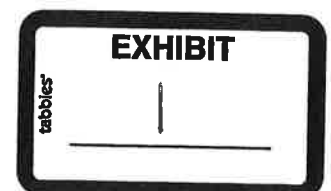
By 
Johnathan D. Horton Bar 2002055
200 West Capitol Avenue, Suite 2300
Little Rock, Arkansas 72201-3699
(501) 371-0808 FAX: (501) 376-9442
jhorton@wlj.com

*Attorneys for Plaintiff, Casey D. Copeland
on behalf of the Arkansas Civil Liberties
Union Foundation, Inc.*

Administrative Office of the Courts
Attorney Ad litem Program
Professional Services Contracts

Casey Copeland
FY 16/17- Current FY 20/21

04/26/2021





STATE OF ARKANSAS

PROFESSIONAL CONSULTANT SERVICES CONTRACT

CONTRACT #	4000040873	FEDERAL I.D. #	
VENDOR #	100186522	MINORITY VENDOR	YES <input type="checkbox"/> NO <input type="checkbox"/>

1. PROCUREMENT:

Check ONE appropriate box below for the method of procurement for this contract:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> ABA Criteria | <input type="checkbox"/> Request for Proposal | <input type="checkbox"/> Competitive Bid | <input type="checkbox"/> Request for Qualifications |
| <input type="checkbox"/> Intergovernmental | <input type="checkbox"/> Emergency | <input type="checkbox"/> Invitation for Bid | <input type="checkbox"/> Cooperative Contract |
| <input type="checkbox"/> Sole Source by Justification <i>(Justification must be attached)</i> | <input type="checkbox"/> Sole Source by Intent to Award | | |
| <input type="checkbox"/> Sole Source by Law - Act # _____ | or Statute #: _____ | | |
| <input type="checkbox"/> Exempt by Law | | | |

2. TERM DATES:

The term of this agreement shall begin on 07/01/2020 and shall end on 06/30/2021.
(mm/dd/yyyy) (mm/dd/yyyy)

3. CONTRACTING PARTIES:

State of Arkansas is hereinafter referred to as the agency and contractor is herein after referred to as the Vendor.

AGENCY NUMBER & NAME	0023 Administrative Office of the Courts	<input type="checkbox"/> Service Bureau
VENDOR NAME	Casey Copeland	
VENDOR ADDRESS	PO Box 270; Prairie Grove, AR 72753	
TRACKING # 1	TRACKING # 2	

4A. TOTAL PROJECTED CONTRACT COST:

Total Projected Cost of entire project if all available extensions of this contract are completed (up to the date anticipated and stated in Section 13)	\$	35,000.00
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4B. CALCULATIONS OF COMPENSATION:

For work to be accomplished under this agreement, the Vendor agrees to provide the personnel at the rates scheduled for each level of consulting personnel as listed herein. Calculations of compensation and reimbursable expenses shall only be listed in this section. If additional space is required, a continuation sheet may be used as an attachment.

LEVEL OF PERSONNEL	NUMBER	COMPENSATION RATE	TOTAL FOR LEVEL
Attorney Ad Litem	1		\$31,500.00
\$900 per case based on an average annual caseload of 35 cases			

Total compensation exclusive of expense reimbursement \$ 31,500.00

REIMBURSABLE EXPENSES ITEM (Specify)	ESTIMATED RATE OF REIMB.	TOTAL
Mileage - State Rate		\$3,000.00
Operating expenses (including but not limited to copies, supplies, postage, subpoena fees) - Actual Costs		\$500.00

Total reimbursable expenses \$ 3,500.00

Total compensation inclusive of expense reimbursement \$ 35,000.00

**STATE OF ARKANSAS
PROFESSIONAL CONSULTANT SERVICES CONTRACT**

Contract # : _____

5. SOURCE OF FUNDS:

Complete appropriate box(es) below to total 100% of the funding in this contract. You may use an attachment if needed.

Fund Source	Identify Source of Funds*	Fund	Fund Center	Amount of Funding	% of Total Contract Cost
State Funds		HSC2300	330	\$ 35,000.00	100.00
State Funds				\$	
State Funds				\$	
State Funds				\$	
State Funds				\$	
TOTALS				\$ 35,000.00	100%

* **MUST BE SPECIFIC** (i.e. fees, tuition, agricultural sales, bond proceeds, donations, etc.)

** "State Funds" is defined as and deemed State General Revenue Dollars. If other state funds are being used such as tobacco funds, general improvement funds, etc., these should be noted. Special revenue funds from taxes or fees generated for the agencies should be shown as "Other" and the actual source of the funds should be clarified in the "Identify Source of Funds."

6. RENDERING OF COMPENSATION:

The method(s) of rendering compensation and/or evaluation of satisfactory achievement toward attainment of the agreement listed herein is as follows, or in attachment no. 3 to this agreement.

7. OBJECTIVES AND SCOPE:

State description of services, objectives, and scope to be provided. (DO NOT USE "SEE ATTACHED")

To provide Attorney Ad Litem representation in Dependency-Neglect cases. Contractor understands and agrees that the number of cases assigned at the beginning of this contract and as used to compute annual compensation will fluctuate throughout the contract term as cases close and new ones open. Compensation will not increase or decrease except that if the fluctuation is greater than 25% of the initial caseload and lasts three months or more, a contract amendment may be requested by the contractor. If, in the agency's determination, sufficient funds exist, an amendment will be sought. The agency's determination as to whether sufficient funds exist is final.

8. PERFORMANCE STANDARDS:

List Performance standards for the term of the contract. (If necessary, use attachments)

The evaluation of satisfactory performance shall be made utilizing the standards contained in Arkansas Supreme Court Administrative Order No. 15 regarding qualifications and standards of practice for attorneys. Performance standards shall include compliance with all contract terms and agreements as well as the Attorney Ad Litem Program Policies and Procedures Manual.

**STATE OF ARKANSAS
PROFESSIONAL CONSULTANT SERVICES CONTRACT**

Contract # : _____

9. ATTACHMENTS:

List ALL attachments to this contract by attachment number:

Attachment 1- Contract and Grant Disclosure and Certification Form

Attachment 2- Summary of Selection Procedure

Attachment 3- Rendering of Compensation

Attachment 4- Vendor EEO Policy

Attachment 5- Illegal Immigrant Disclosure Form

10. CERTIFICATION OF VENDOR

A. "I, Casey Copeland (Vendor) _____ Attorney _____ (Title) _____
certify under penalty of perjury that, to the best of my knowledge and belief, no regular full-time or part-time employee of any State agency of the State of Arkansas will receive any personal, direct or indirect monetary benefits which would be in violation of the law as a result of the execution of this contract." Where the Vendor is a widely-held public corporation, the term 'direct or indirect monetary benefits' "shall not apply to any regular corporate dividends paid to a stockholder of said corporation who is also a State employee and who owns less than ten percent (10%) of the total outstanding stock of the contracting corporation."

B. List any other contracts or subcontracts you have with any other state government entities. (Not applicable to contracts between Arkansas state agencies) (If no contracts or subcontracts, please put "N/A" or "None")

C. Are you currently engaged in any legal controversies with any state agencies or represent any clients engaged in any controversy with any Arkansas state agency? (If no controversies, please put "N/A" or "None")

D. The Vendor agrees to list below, or on an attachment hereto, names, addresses, and relationship of those persons who will be supplying services to the state agency at the time of the execution of the contract. If the names are not known at the time of the execution of the contract, the Vendor shall submit the names along with the other information as they become known. Such persons shall, for all purposes, be employees or independent contractors operating under the control of the Vendor (sub-contractors), and nothing herein shall be construed to create an employment relationship between the agencies and the persons listed below.

NAME	RELATIONSHIP

E. The agency shall exercise no managerial responsibilities over the Vendor or his employees. In carrying out this contract, it is expressly agreed that there is no employment relationship between the contracting parties.

AP

**STATE OF ARKANSAS
PROFESSIONAL CONSULTANT SERVICES CONTRACT**

Contract # : _____

11. DISCLOSURE REQUIRED BY EXECUTIVE ORDER 98-04:

Any contract or amendment to a contract executed by an agency which exceeds \$25,000 shall require the Vendor to disclose information as required under the terms of Executive Order 98-04 and the Regulations pursuant thereto. The Vendor shall also require the subcontractor to disclose the same information. The Contract and Grant Disclosure and Certification Form (Form PCS-D attachment II-10.3) shall be used for this purpose.

Contracts with another government entity such as a state agency, public education institution, federal government entity, or body of a local government are exempt from disclosure requirements.

The failure of any person or entity to disclose as required under any term of Executive Order 98-04, or the violation of any rule, regulation or policy promulgated by the Department of Finance and Administration pursuant to this Order, shall be considered a material breach of the terms of the contract, lease, purchase agreement, or grant and shall subject the party failing to disclose, or in violation, to all legal remedies available to the Agency under the provisions of existing law.

12. CANCELLATION CLAUSES

A. NON-APPROPRIATION CLAUSE PURSUANT TO §19-11-1012(11):

"In the event the State of Arkansas fails to appropriate funds or make monies available for any biennial period covered by the term of this contract for the services to be provided by the Vendor, this contract shall be terminated on the last day of the last biennial period for which funds were appropriated or monies made available for such purposes.

"This provision shall not be construed to abridge any other right of termination the agency may have."

B. CONVENIENCE CLAUSE:

In the event the State no longer needs the service or commodity specified in the contract or purchase order due to program changes, changes in laws, rules, or regulations, relocation of offices, the State may cancel the contract or purchase order by giving the vendor written notice of such cancellation 30 days prior to the date of cancellation.

13. TERMS:

The term of this agreement begins on the date in SECTION 2 and will end on the date in SECTION 2, and/or as agreed to separately in writing by both parties.

This contract may be extended until 06/30/2021 (mm/dd/yyyy), in accordance with the terms stated in the Procurement, by written mutual agreement of both parties and subject to: approval of the Arkansas Department of Finance and Administration/Director of Office of State Procurement, appropriation of necessary funding, and review by any necessary state or federal authority.

Contracts will require review by Legislative Council or Joint Budget Committee prior to the approval of the Department of Finance and Administration/Director of Office of State Procurement and before the execution date if the total initial contract amount or the total projected amount is greater than or equal to \$50,000, including any amendments or possible extensions.

Any amendment which increases the dollar amount or involves major changes in the objectives and scope of the contract will require review by Legislative Council or Joint Budget Committee.

14. AUTHORITY:

- A. This contract shall be governed by the Laws of the State of Arkansas as interpreted by the Attorney General of the State of Arkansas and shall be in accordance with the Intent of Arkansas Code Annotated §19-11-1001 et seq.
- B. Any legislation that may be enacted subsequent to the date of this agreement, which may cause all or any part of the agreement to be in conflict with the laws of the State of Arkansas, will be given proper consideration if and when this contract is renewed or extended; the contract will be altered to comply with the then applicable laws.

**STATE OF ARKANSAS
PROFESSIONAL CONSULTANT SERVICES CONTRACT**

Contract # : _____

15. AGENCY CONTACTS FOR QUESTION(S) REGARDING THIS CONTRACT:

Contact #1 – Agency Representative submitting/tracking this contract

<u>Stasia McDonald</u>	<u>Attorney Ad Litem Program Director</u>
(Name)	(Title)
<u>501-410-1951</u>	<u>stasia.mcdonald@arcourts.gov</u>
(Telephone #)	(Email)

Contact #2 – Agency Representative with knowledge of this project (for general questions and responses)

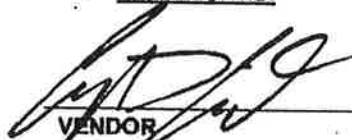
<u>Jennifer Craun</u>	<u>Juvenile Division Director</u>
(Name)	(Title)
<u>501-682-9400</u>	<u>jennifer.craun@arcourts.gov</u>
(Telephone #)	(Email)

Contact #3 – Agency Representative Director or Critical Contact (for time sensitive questions and responses)

<u>Moshelle Helms</u>	<u>Juvenile Division Data Analyst</u>
(Name)	(Title)
<u>501-410-1956</u>	<u>moshelle.helms@arcourts.gov</u>
(Telephone #)	(Email)

**16. AGENCY SIGNATURE CERTIFIES NO OBLIGATIONS WILL BE INCURRED BY A STATE AGENCY
UNLESS SUFFICIENT FUNDS ARE AVAILABLE TO PAY THE OBLIGATIONS WHEN THEY BECOME DUE.**

17. SIGNATURES:

 2020-05-26

VENDOR DATE

Casey Copeland - Attorney

TITLE

 6/5/20

AGENCY DIRECTOR DATE

Marty Sullivan - Director

TITLE

PO Box 270; Prairie Grove, AR 72753

ADDRESS

Justice Building, 625 Marshall, Little Rock, AR 72201

ADDRESS

APPROVED: _____

DEPARTMENT OF FINANCE AND ADMINISTRATION

DATE



STATE OF ARKANSAS
AMENDED AWARD
Professional Service Contract

Page
1/1

Vendor No. 100186522

Contact

Your reference

CASEY D COPELAND PA
PO Box 270
PRAIRIE GROVE AR 72753

Contract No. 4600046873

Date 06/15/2020

Contact Moshelle Helms

Telephone 501-410-1956

Fax 501-682-2662

Our ref. PSC

Incoterms FOB

DESTINATION

Send Invoice To:

Ship To:

ADMINISTRATIVE OFFICE OF THE COURTS
625 MARSHALL ST
LITTLE ROCK AR 72201

Valid from: 07/01/2020

Valid to: 06/30/2021

Target value 42,500.00 USD

*** Target value changed ***

✓ (\$7,500 increase due to additional duties as appellate attorney.)
35,000 TPC original Kt 2017 FY

Item	Material/Description	Target Qty	UM	Unit Price	Amount
0001	10090101 PRO SERVICE, ATTORNEY *** Target quantity changed ***	39,000.00	Lump Sum	1.00	\$ 39,000.00

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.


Purchasing Official/Fiscal Officer

12/10/20
Date



STATE OF ARKANSAS

Page
1/1**** AMENDMENT to Purchase Order ****
Purchase Order

Vendor No. 100186522

Contact

Your reference

CASEY D COPELAND PA
PO Box 270
PRAIRIE GROVE AR 72753

PO No. 4501955442

Date 07/06/2020

Contact Moshelle Helms

Telephone 501-410-1956

Fax 501-682-2662

Our ref. PSC

Incoterms FOB

DESTINATION

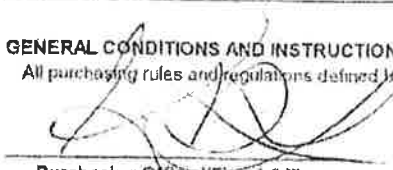
Send Invoice To:Administrative Office of the Courts
625 Marshall St.
Little Rock, AR 72201Ship To:ADMINISTRATIVE OFFICE OF THE COURTS
625 MARSHALL ST
LITTLE ROCK AR 72201

Delivery Date: 06/30/2021

Item	Material/Description	QuantityUM	Net Price	Net Amount
0001	10090101 PRO SERVICE, ATTORNEY	39,000.00 ZLS	1.00	\$ 39,000.00
	Still to be delivered	23,250.00 ZLS		
	*** PO quantity changed ***			
	*** Item partially delivered ***			

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.


Purchasing Officer/Fiscal Officer12/10/2020
Date

 All Inboxes

To: Charlene Fite

Hide

**HB1570**

Today at 2:41 PM

Representative Fite,

I just wanted to say how ashamed I am of you for sponsoring and supporting HB1570. 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.

Shame on you.

Casey D. Copeland

Arkansas Bar No. 2005022

Child Welfare Law Specialist, naccchildlaw.orgArkansas Attorney Ad Litem, arcourts.gov

PO Box 270, Prairie Grove, AR 72753

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

CaseyDCopeland@gmail.com

EXHIBIT

tabbles

2



5/13/2021

Gmail - FW: Email I received today from Ad Litem



FW: Email I received today from Ad Litem

3 messages

Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
To: Cohen Copeland <caseydcopeland@gmail.com>

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

Sent: Tuesday, March 30, 2021 4:20 PM

To: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>; Stasia B. McDonald <Stasia.McDonald@arcourts.gov>

Subject: Fwd: Email I received today from Ad Litem

This isn't helpful, at all.

Begin forwarded message:

From: Charlene Fite <cfiteb@yahoo.com>

Date: March 30, 2021 at 4:16:48 PM CDT

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

Subject: Email I received today from Ad Litem

AT&T

3:17 PM

< All Inboxes

<https://mail.google.com/mail/u/0?ik=9dcb2af236&view=pt&search=all&permthid=thread-f%3A1695693404731682491&simpl=msg-f%3A1695693404731682491&simpl=r>



To: Charlene Fite

H

HB1570

Today at 2:41 PM

Representative Fite,

I just wanted to say how ashamed I am of sponsoring and supporting HB1570. Not this bill put lives in danger, it fully illustrates arrogance of you and your party to think to have the authority to dictate such personal I truly hope and expect the federal courts to take down this ridiculous law as soon as possible

Shame on you.

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



Charlene Fite, Chairman

<https://mail.google.com/mail/u/0?ik=9dcb2af236&view=pt&search=all&permthid=thread-f%3A1695693404731682491&simpl=msg-f%3A1695693404731682491&simpl=n>

5/13/2021

Gmail - FW: Email I received today from Ad Litem

House Committee on Aging, Children and Youth,
Military and Legislative Affairs

<https://mail.google.com/mail/u/0?ik=9dcb2af236&view=pt&search=all&permthid=thread-f%3A1695693404731682491&simpl=msg-f%3A1695693404731682491&simpl=n>

ADMINISTRATIVE OFFICE OF THE COURTS



*"Supporting Courts,
Ensuring Justice"*

JUSTICE BUILDING
625 MARSHALL STREET
SUITE 1100
LITTLE ROCK, AR 72201

April 1, 2021

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

Mr. Copeland,

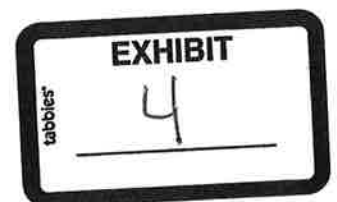
This letter serves as notice that the Administrative Office of the Courts is terminating its attorney ad litem contract with you effective 30 days from today (the last contracting date will be April 30, 2021).

Pursuant to the AAL Program Policy and Procedure Manual, please provide the original copies of all open files, information about all upcoming hearings, information on case plan staffings or other meetings, and the court calendar for all counties where you have been appointed as an AAL. These materials and information should be provided to Janet Bledsoe prior to April 30. You may send via mail (3101 Free Ferry Road, Suite E, Fort Smith, AR 72903), fax (501.682.2662), or email (janet.bledsoe@arcourts.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Stasia McDonald".

Stasia McDonald
AAL Program Director



Sam R. Kauffman

From: Brooke F. Steen
Sent: Monday, April 26, 2021 8:17 AM
To: Sam R. Kauffman
Subject: FW: Email from Ad Litem

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: Charlene Fite <cfitevb@yahoo.com>
Sent: Tuesday, March 30, 2021 4:14 PM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>
Subject: Email from Ad Litem



< All Inboxes



To: Charlene Fite

Hide

**HB1570**

Today at 2:41 PM

Representative Fite,

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Shame on you.

Casey D. Copeland

Arkansas Bar No. 2005022

Child Welfare Law Specialist, naccchildlaw.orgArkansas Attorney Ad Litem, arcourts.gov

PO Box 270, Prairie Grove, AR 72753

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

CaseyDCopeland@gmail.com



Charlene Fite, Chairman
House Committee on Aging, Children and Youth,
Military and Legislative Affairs

Sam R. Kauffman

From: Brooke F. Steen
Sent: Monday, April 26, 2021 8:17 AM
To: Sam R. Kauffman
Subject: FW: Email I received today from Ad Litem

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: Brooke F. Steen
Sent: Tuesday, March 30, 2021 4:36 PM
To: Marty E. Sullivan <marty.sullivan@arcourts.gov>; Stasia B. McDonald <Stasia.McDonald@arcourts.gov>; Kristin J. Clark <Kristin.Clark@arcourts.gov>
Cc: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Subject: RE: Email I received today from Ad Litem

Rep. Fite also emailed me directly about this at 4:15. I wasn't sure how to respond—but I need to get back to her. I think we should be consistent in our responses to her, so let me know what you want me to say. If he emailed her, I'm sure he emailed all of the sponsors on that bill (and there are a lot). As you all know, DR AALs are not hired by the AOC and do not contract with AOC so I don't think our program can do anything with him. Stasia, do you think we should consider adding something to your contract with them to prevent this in the future?

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Cc: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Subject: Re: Email I received today from Ad Litem

Sam,

Should we terminate his contract?

Marty S.

On Mar 30, 2021, at 4:24 PM, Stasia B. McDonald <Stasia.McDonald@arcourts.gov> wrote:

No, it is not helpful at all. He is also a DR AAL. Let me know how you want to proceed.

Janet just let me know that Rep. Fite forwarded this to her directly.

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

Sent: Tuesday, March 30, 2021 4:20 PM

To: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>;

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

Subject: Fwd: Email I received today from Ad Litem

This isn't helpful, at all.

Begin forwarded message:

From: Charlene Fite <cfitevb@yahoo.com>

Date: March 30, 2021 at 4:16:48 PM CDT

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

Subject: Email I received today from Ad Litem

<image001.png>

Charlene Fite, Chairman

House Committee on Aging, Children and Youth,

Military and Legislative Affairs

and do not contract with AOC so I don't think our program can do anything with him. Stasia, do you think we should consider adding something to your contract with them to prevent this in the future?

Brooke F. Steen

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

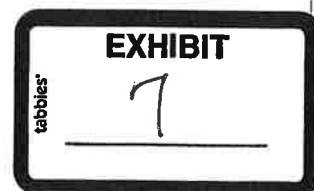
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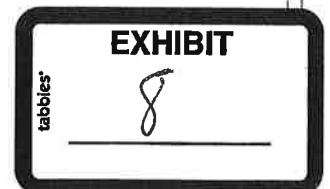
Brooke F. Steen
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From: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Sent: Tuesday, March 30, 2021 4:39 PM
To: Brooke F. Steen <Brooke.Steen@arcourts.gov>; Marty E. Sullivan <Marty.Sullivan@arcourts.gov>; Kristin J. Clark <Kristin.Clark@arcourts.gov>
Cc: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Subject: RE: Email I received today from Ad Litem

I think he only emailed her because Fite is his Rep. We revised the AAL policy a couple of years ago with Jennifer and HR. It prohibits contractors from discussing DN related matters with legislators, but we are certainly willing to revisit the language.

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/>



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2 People >



Midway through tells about Casey



Tue, Mar 30, 4:20 PM

Charlene Fite

to: Charlene Fite

from:

HB1570

Today at 2:41 PM

Representative Fite,

I just wanted to say how ashamed I am of you for sponsoring and supporting HB1570. Not only does this bill put lives in danger, it fully illustrates the





2 People >

I just wanted to say how ashamed I am of you for sponsoring and supporting HB1570. 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.

Shame on you.

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

Should his ad
Litem information
be on an email of
this nature?



<Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>

Subject: Re: Email I received today from Ad Litem

No one needs to respond. I'll handle it.

On Mar 30, 2021, at 4:43 PM, Stasia B. McDonald <Stasia.McDonald@arcourts.gov> wrote:

Janet is also asking how to respond to Rep. Fite.

In the message to Janet Rep. Fite asks if Casey's AAL info should be on an email of this nature.

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/>

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To: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>; Brooke F. Steen

<Brooke.Steen@arcourts.gov>; Kristin J. Clark <Kristin.Clark@arcourts.gov>



Sam R. Kauffman

From: Sam R. Kauffman
Sent: Wednesday, March 31, 2021 12:27 PM
To: Jennifer L. Craun; Marty E. Sullivan
Subject: Re: Casey Copeland current FY 20/21 contract

Sounds good to me, too.

Get [Outlook for iOS](#)

From: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Sent: Wednesday, March 31, 2021 11:23:15 AM
To: Marty E. Sullivan <Marty.Sullivan@arcourts.gov>; Sam R. Kauffman <Sam.Kauffman@arcourts.gov>
Subject: RE: Casey Copeland current FY 20/21 contract

Sure, sounds good to me.

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: Wednesday, March 31, 2021 11:22 AM
To: Sam R. Kauffman <Sam.Kauffman@arcourts.gov>; Jennifer L. Craun <Jennifer.Craun@arcourts.gov>
Subject: Fwd: Casey Copeland current FY 20/21 contract

Let's plan on talking about this after our 2:30 call today.

Marty S.

Begin forwarded message:

From: "Stasia B. McDonald" <Stasia.McDonald@arcourts.gov>
Date: March 30, 2021 at 6:04:25 PM CDT
To: "Marty E. Sullivan" <Marty.Sullivan@arcourts.gov>, "Sam R. Kauffman" <Sam.Kauffman@arcourts.gov>, "Jennifer L. Craun" <Jennifer.Craun@arcourts.gov>
Subject: FW: Casey Copeland current FY 20/21 contract



Sam R. Kauffman

From: Sam R. Kauffman
Sent: Thursday, April 1, 2021 3:33 PM
To: Stasia B. McDonald; Jennifer L. Craun
Subject: RE: Letter Draft
Attachments: Termination of Contract.pdf

The decision has been made to send the attached letter to Mr. Copeland today. Stasia, please contact Janet do inform her first, and then send the letter to Mr. Copeland via email.

Thank you both, and please forward to Jennifer and me any responses you receive from him.

Best,

Sam Kauffman
Director of Human Resources | Administrative Office of the Courts
625 Marshall St. | Little Rock, AR 72201
Cell: 501-454-2848 | Fax: 501-682-9412
sam.kauffman@arcourts.gov | <https://www.arcourts.gov/>

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From: Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
Sent: Thursday, April 1, 2021 12:14 PM
To: Jennifer L. Craun <Jennifer.Craun@arcourts.gov>; Sam R. Kauffman <Sam.Kauffman@arcourts.gov>
Subject: RE: Letter Draft

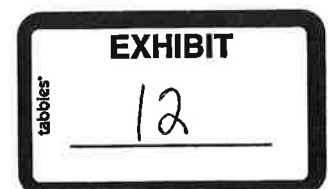
If you and Marty decide it is better for AOC liability to wait until the contract expires, I defer to your judgment.

Janet Bledsoe
3101 Free Ferry Rd., Suite E
Fort Smith, AR 72903
Phone (479) 782-2333
Cell (479) 650-9727
janet.bledsoe@arcourts.gov

This is the Juvenile Division fax number- include it or not? I don't think she has a separate fax number.

Fax (501) 682-2662

Stasia Burk McDonald
Attorney *ad litem* Program Director | Administrative Office of the Courts



ADMINISTRATIVE OFFICE OF THE COURTS



*"Supporting Courts,
Ensuring Justice"*

JUSTICE BUILDING
625 MARSHALL STREET
SUITE 1100
LITTLE ROCK, AR 72201

April 1, 2021

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

Mr. Copeland,

This letter serves as notice that the Administrative Office of the Courts is terminating its attorney ad litem contract with you effective 30 days from today (the last contracting date will be April 30, 2021).

Pursuant to the AAL Program Policy and Procedure Manual, please provide the original copies of all open files, information about all upcoming hearings, information on case plan staffings or other meetings, and the court calendar for all counties where you have been appointed as an AAL. These materials and information should be provided to Janet Bledsoe prior to April 30. You may send via mail (3101 Free Ferry Road, Suite E, Fort Smith, AR 72903), fax (501.682.2662), or email (janet.bledsoe@arcourts.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Stasia McDonald".

Stasia McDonald
AAL Program Director

April 1, 2021

Stasia McDonald
Administrative Office of the Courts
625 Marshall Street, Suite 1100
Little Rock, AR 72201

Via Email: Stasia.McDonald@arcourts.gov

RE: Attorney Ad Litem Contract

Dear Ms. McDonald:

I am in receipt of your letter dated April 1, 2021 in which you inform me that my contract with the AOC is terminated as of April 30, 2021. Please accept this letter as a formal request for the AOC's copy of my current contract, as well as your response to the following.

Please confirm that at about 4:20pm on March 30, 2021, you received an email from Marty E. Sullivan, Director of the Administrative Office of the Courts, in which Mr. Sullivan stated "This isn't helpful, at all" along with a screen shot he received from State Representative Charlene Fite of my email to her in which I expressed my shame in her regarding HB 1570. Please also confirm that Mr. Sullivan received that message from Representative Fite at about 4:16pm on March 30, 2021.

Further, please confirm that you forwarded Mr. Sullivan's email to me without any comment, and that your next communication to me was the letter of April 1, 2021, which I have referenced above. Also, please confirm that my contract is being terminated because a member of the Arkansas General Assembly was offended that I, her constituent, expressed disapproval of her representation with regard to HB1570.

Finally, please confirm that my email to Representative Fite did not violate any provision of my contract with the AOC, and that HB1570 did not constitute "ideas or suggestions for proposed legislative changes regarding dependency-neglect issues", per article IX of the Dependency-Neglect Attorney Ad Litem Program.

Respectfully,



Casey D. Copeland

EXHIBIT

tabbies
13

Jennifer Craun, Marty Sullivan, Sam Kaufman

2 People

Fri Apr 1, 2016 4:44

Jennifer Craun

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 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.

EXHIBIT

tabbles

14


2 People >

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Marty Sullivan

I'm generally fine with that.
Sam?



I did not reply.



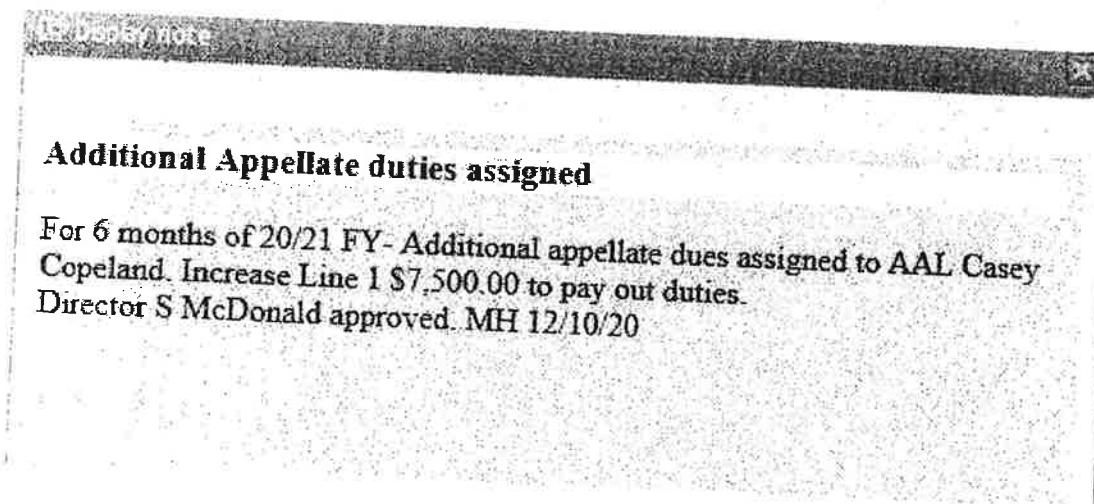
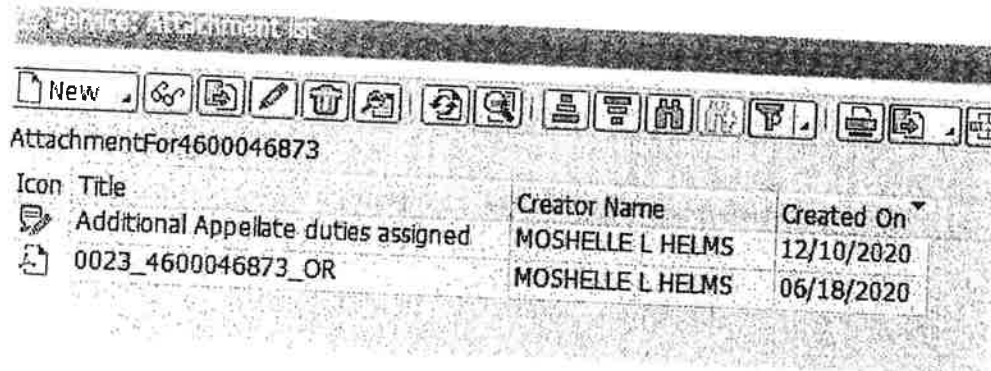
Casey Copeland <caseydcopeland@gmail.com>

Amendment documentation

1 message

Stasia B. McDonald <Stasia.McDonald@arcourts.gov>
 To: Cohen Copeland <caseydcopeland@gmail.com>

Mon, Apr 5, 2021 at 10:02 AM



Please find attached the amendment documentation. We will not be conducting an exit interview.

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/>

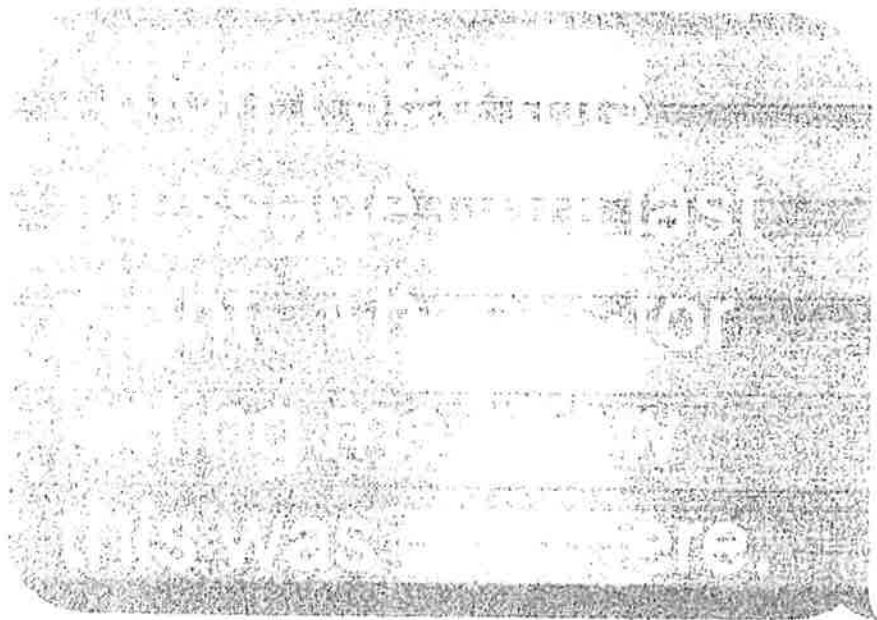




Charlene >

and it elected, I believe I would be ethnically
obligated to exit my attorney ad litem

2018, 8:32 AM



My polling shows
he's pulling votes
from me.



Charlene >

My polling shows
he's pulling votes
from me.

That's just be-
tween us.

Of course.



CASEY D. COPELAND
Attorney at Law

1481
75
51
Casey D. Copeland, AR 72753
ph: 479-303-0750 fax: 479-935-9246
CaseyDCopeland@gmail.com

January 12, 2019

Representative Charlene Fite
P.O. Box 7300
Van Buren, 72956

RE: Proposed Amendments to Ark. Code Ann. § 9-27-341

Dear Representative Fite:

A significant portion of my legal practice is as a Dependency-Neglect Attorney Ad Litem in Sebastian County. In my work as an AAL, I often come across issues that cause me to consider how the law might be amended to better serve parents, juveniles, and others involved in our child welfare system. This letter is intended to present two such issues to you for your consideration during the upcoming Regular Session of the General Assembly.

First, we often have parents (mostly fathers) whose whereabouts are unknown, who never appear at hearings, and who aren't appointed counsel at the beginning of the case. As those cases progress, the goal often changes from "reunification" to "termination of parental rights", at which point those absent parents might then be provided legal representation to protect their rights during the termination hearing. The problem is how the absent parent is to know that an attorney has been appointed for them or that the court is to consider terminating their parental rights.

As it is now, § 9-27-341(b)(2) can be read to mean that absent parents aren't to be served pursuant to Rule 4 of the Arkansas Rules of Civil Procedure (personal service or publication) if they are appointed an attorney prior to the termination hearing. Instead, their attorney may be served pursuant to Rule 5, even though the Attorney may have never met his or her client, and the parent-client has no way of knowing that an attorney has been appointed or who their attorney is. This is a problem for both counsel and parent.

Lawyers aren't ethically supposed to accept service of process for a client without that client's authority, and absent parent-clients cannot give newly appointed counsel such authority. Lawyers are also at a disadvantage in representing client with whom they have never met, as the lawyer has no way of know what defenses, arguments, or legal maneuvers will help or harm their client. In short, counsel for absent parent-clients are being asked to represent a person without any authorization or direction from that person.

Attorney at Law - AR 72753 - aridc.org
Casey D. Copeland, Attorney at Law - nacechildlaw.org

EXHIBIT

tabbies

17

Further, when parent counsel is served with a termination petition by Rule 5, the absent parent has no real notice of either the appointment of counsel or the pending termination proceeding which may have deleterious effect on their then existing or future rights as a parent to other children.

The better, safer process would be to require Rule 4 service of termination petitions when a parent is absent from the hearing at which an attorney is appointed for them. This would provide proper notice to the parent of both the appointment of counsel and the pending termination proceeding. It would also relieve parent counsel from the ethical dilemma of accepting service for a client whom they have never met and who has not authorized the attorney to accept such service. So, I'd ask that you consider a bill intended to resolve this issue for parents and parent counsel.

Second, parents have the option of consenting to the termination of their parental rights through the execution of a relinquishment. This process then shields the parent from a subsequent termination for "aggravated circumstances" on grounds of "involuntary termination" under Ark. Code Ann. § 9-27-341(b)(3)(B)(ix)(a)(4). Not too often, but too often enough, a parent will execute a relinquishment with regard to a child or children then in DCFS custody in order to evade a subsequent termination regarding a soon-to-be-born-child. Sometimes this process repeats itself more than once.

That is why I am asking that you consider a bill amending the termination statute to add an aggravated circumstance ground for instances in which a parent consents to the termination of their parental rights two (2) or more separate times within a given period of time, such as three (3) or four (4) years. By "separate times" I mean in two separate dependency-neglect proceedings which commenced more than eight (8) or nine (9) months apart. This would prevent parents from using the consent process to escape a subsequent termination within a relatively short period of time.

Thank you for your time and consideration of these issues.

Respectfully,


Casey D. Copeland

From: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov> on behalf of Janet L. Bledsoe
Sent on: Tuesday, January 22, 2019 3:25:20 PM
To: Stasia McDonald (Stasia.McDonald@arcourts.gov) <Stasia McDonald (Stasia.McDonald@arcourts.gov)>
Subject: FW: 9-19-209

Just FYI

Looks like this was originally sent to Rep. Fite in 2015, but this is the first I've heard anything about it.

Janet L. Bledsoe

Attorney ad Litem Program Assistant Director

Email: janet.bledsoe@arcourts.gov



Upcoming DN AAL Trainings:

2019 Children in the Courts

May 7-9, 2019

Embassy Suites | Little Rock, AR

From: Charlene Fite <charlenefiteforstaterep@yahoo.com>
Sent: Sunday, January 20, 2019 12:51 PM
To: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov>
Subject: Fwd: 9-19-209

Janet,

I'm forwarding to you an email I received from Casey Copeland. If you consider this a great idea and want to find someone to sponsor it, please feel free to do so. I will not be sponsoring it.

Regards,
Charlene

Sent from my iPhone

Begin forwarded message:

From: Casey Copeland <caseydcopeland@gmail.com>
Date: January 19, 2019 at 10:49:09 AM CST
To: Charlene Fite <charlenefiteforstaterep@yahoo.com>
Subject: Re: 9-19-209

Thank you.

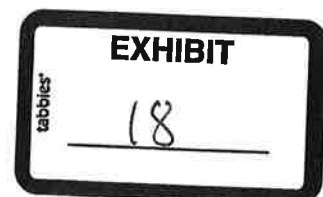
Casey D. Copeland

Child Welfare Law Specialist -- NACC.org

PO Box 270, Prairie Grove, AR 72753

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

CaseyDCopeland@gmail.com



From: Janet L. Bledsoe <Janet.Bledsoe@arcourts.gov> on behalf of Janet L. Bledsoe
Sent on: Tuesday, January 22, 2019 3:25:20 PM
To: Stasia McDonald (Stasia.McDonald@arcourts.gov) <Stasia McDonald (Stasia.McDonald@arcourts.gov)>
Subject: FW: 9-19-209

Just FYI

Looks like this was originally sent to Rep. Fite in 2015, but this is the first I've heard anything about it.

Janet L. Bledsoe

Attorney ad Litem Program Assistant Director

Email: janet.bledsoe@arcourts.gov



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STATE OF ARKANSAS

ADMINISTRATIVE OFFICE OF THE
COURTS

DEPENDENCY-NEGLECT
ATTORNEY AD LITEM
PROGRAM

PROGRAM POLICY AND PROCEDURE
MANUAL

Effective Date: July 1, 2020



Administrative Office of the Courts Dependency-Neglect Attorney at Litem Program Organizational Structure

Stasia Burk McDonald
AAL Program Director

Janet L. Bledsoe
AAL Program Assistant Director

Moshelle Helms
Juvenile Division Data Analyst

Dependency-Neglect Attorney ad Litem

Policies and Procedures

This manual contains the policies and procedures to facilitate the operation and monitoring of the Dependency-Neglect Attorney ad Litem Program. The contact person for the AOC with respect to this manual and its instructions is

Stasia Burk McDonald, Attorney Ad Litem Program Director
Justice Building, 625 Marshall Street
Little Rock, AR 72201-1020
TEL: (501) 682-9400
FAX: (501) 682-2662
TDD: (501) 682-9412
E-MAIL: Stasia.McDonald@arcourts.gov

The policies and procedures herein are not inclusive and will be updated as the need arises. Full-time Attorneys ad Litem are also responsible for compliance with the employment policies contained in the Employee Handbook of the Administrative Office of the Courts.

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Dependency-Neglect Attorney Ad Litem

Policies and Procedures

I. SCOPE OF WORK

- A. The Attorney Ad Litem (AAL) shall provide legal representation in the areas, counties, and judicial districts assigned by the AAL Program. The AAL will provide services to other areas, counties, and judicial districts as needed and when requested to do so. Legal representation of the dependent-neglected juvenile shall continue by the AAL from the time of appointment to the juvenile's case until final disposition and closure of the case or until another AAL is appointed to the case by the court.
- B. The AAL shall represent the clients in accordance with the Arkansas Model Rules of Professional Conduct and all other applicable laws.
- C. The AAL shall meet all requirements set forth in the Standards of Practice for Attorneys Ad Litem in Dependency-Neglect (DN) Cases and the Qualifications for Attorneys Ad Litem in Dependency-Neglect Cases in Supreme Court Administrative Order Number 15.1 issued on March 17, 2016. Administrative Order Number 15.1 is included in the appendix to this AAL Program Policy and Procedures Manual.
- D. AALs are expected to substantially comply with the Dependency-Neglect Attorney Ad Litem Standards for Best Practice in Child Representation which are included in the appendix and incorporated herein.
- D. Full time employees shall also adhere to the policies contained in the Employee Handbook of the Administrative Office of the Courts.
- E. Appeals
 - 1. It is the responsibility of the AAL to ensure that the juvenile is represented throughout the entirety of the case, including on appeal.
 - 2. A response shall be filed by the AAL of record for all appeals in DN cases.
 - 3. The AAL Program will provide appellate assistance upon request of the AAL. Assistance may include consultation with the appellate attorney on how best to preserve issues for appeal at the trial court level or may include the assignment of the contracted appellate attorney to represent the juvenile on appeal. The AAL should make a request for appellate assistance as provided in the AAL Appeal Policy which is attached in the Appendix to this AAL Program Policy and Procedures Manual.

II. STATUS OF ATTORNEY AD LITEM

A dependency-neglect attorney ad litem will be either a contractor for professional services or a full-time employee of the AOC.

A. Contractors

- (1) An AAL may work under a part-time or full-time professional services contract.
- (2) Contracts are for a specified term and are renewable at the discretion of the AAL Program.

B. Full-time employees

- (1) An AAL may be a full-time employee of the AOC.
- (2) A Full-Time AAL must adhere to Section 10.13 of the AOC Policy Manual regarding outside employment.

C. Compensation

1. Contractors

- a. Contractors are paid a flat rate per case, per year.
- b. In accordance with the standards established by Administrative Order 15.1, contracts will not exceed 25 cases unless the AAL Program Director determines that a higher caseload is necessary to meet the needs of a particular district. Factors to be considered by the AAL Program before implementing a higher caseload include, but are not limited to: the number of counties and geographic area in a judicial district, the experience and expertise of the contractor, area resources, the availability of CASA volunteers in the district, the contractors legal practice commitments and the proportion of the attorney's practice dedicated to representing children in dependency-neglect cases, the availability of qualified attorneys in the geographic area, and the availability of funding.
- c. Caseloads may fluctuate by 25% without a change in the contract value. If the caseload remains at a number greater than 25% above or below the caseload average upon which the contract was calculated for a period of three consecutive months, the contract may be recalculated to reflect the new average caseload if state funding allows.

- d. Contractors may be reimbursed up to the amount set out in their contract for ordinary and reasonable expenses incurred solely as a result of their AAL contract. Contractors should seek prior written approval prior to incurring expenses that are unusual or out of the ordinary. The AAL Program will not reimburse expenses incurred by an AAL as a result of fines, penalties or late fees. Contractors are required to maintain full and complete records concerning any expenses submitted for reimbursement for a period of at least two years.
- e. Contractors may be reimbursed for mileage at the official state rate up to the amount set out in their contract for travel directly relating to their contractual duties.
- f. Reimbursement for in-state conference fees and travel, membership organizations and certification as a Child Welfare Law Specialist (CWLS) is addressed in Section XVI of this Policy and Procedures Manual.

2. Full-time employees

- a. Full-time AALs are grade GS-11 on the State Career Service Pay Plan.
- b. As state employees, full-time AALs may be eligible for salary increases within the GS-11 pay scale as state funding allows and as detailed in Section II of the Contract Compliance and Employee Evaluation Protocol attached in the Appendix to this AAL Program Policy and Procedures Manual and the AOC Policy Manual.
- c. Full-time AALs may be reimbursed for ordinary and reasonable operating expenses. The maximum amount of reimbursable expenses will be set at the beginning of each fiscal year based on available funds. Full-time AALs are required to maintain full and complete records regarding all expenses submitted for reimbursement for a period of at least two years.
 - i. Full-time AALs should seek prior written approval of unusual or out of the ordinary expenses.
 - ii. Prior to incurring fees for any type of subscription-based services, the AAL should seek written approval of the AAL Program Director.
 - iii. Reimbursement for in-state conference fees and travel, membership organizations and certification as a Child Welfare Law Specialist (CWLS) is addressed in Section XVI of this Policy and Procedures Manual.

- iv. The AAL Program will not reimburse expenses incurred by the AAL as a result of fines, penalties or late fees.
- v. Information about the current amount of reimbursable expenses may be obtained by contacting the Juvenile Division Data Analyst, the AAL Program Director or Assistant Director.
- d. Full-time AALs are not required to maintain office space separate from their homes.
- e. Full-time AALs may be reimbursed for mileage at the official state rate for travel directly relating to their duties as employees.
- f. In accordance with the standards established by Administrative Order 15.1, a full-time AAL will not have a caseload in excess of 75 cases unless the AAL Program Director determines that a higher caseload is necessary to meet the needs of a particular district by considering the following criteria: the number of counties and geographic area in a judicial district, the experience and expertise of the attorney ad litem, area resources, the availability of CASA volunteers in the district, the availability of qualified attorneys in the geographic area, and the availability of funding.

III. PROFESSIONAL CONDUCT

- A. 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 other stakeholders.
- B. The AAL shall not engage in any conduct that undermines the morale or effectiveness of the Program or the courts.
- C. Social media is becoming a driving force in communication with clients and stakeholders. If the AAL chooses to use social media as a way to communicate with clients, he or she should consider setting up designated social media accounts to use solely in their professional capacity. The AAL is discouraged from use of personal social media accounts to interact with clients or other stakeholders in a professional capacity.
- D. Conflict of Interest
 - I. The AAL shall have no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of services required by the Arkansas Model Rules of Professional Conduct

and with Arkansas Supreme Court Administrative Order Number 15.1. The AAL shall avoid future situations that would be in conflict with her/her duties or that would give the appearance of impropriety.

2. An AAL shall not serve as a foster parent, as a sponsor for any foster youth, as a Court Appointed Special Advocate (CASA), as a Board Member of any local CASA Program or as a Board Member of any service or placement provider, or hold any other position which might be perceived as a conflict of interest with the population of clients that they serve.
3. If at time of hire or contract an AAL is already serving as a foster or prospective adoptive parent, they may continue in that capacity for the child or children in their home at that time until permanency is achieved but should not accept any additional children into their foster or prospective adoptive home.
4. A contractor may not have a contract for both AAL and Parent Counsel (PC) representation in the same county. This does not affect the contractor's ability to take private cases in the same county. Any contractor who may have a contract for both AAL and PC representation in the same county at the time this Policy becomes effective will be exempt from the provisions of this subsection.

IV. EQUAL OPPORTUNITY EMPLOYMENT AND NON-DISCRIMINATION

The AAL, in the performance of his or her duties, shall not discriminate against any client or other person on the basis of race, sex, color, religion, national origin, gender, age, disability, gender identity, or sexual orientation.

V. ATTORNEY LIABILITY

- A. Administrative Order No. 15.1, Section 2, Paragraph k, states that an AAL, functioning as an arm of the court, is afforded immunity against ordinary negligence for action taken in furtherance of his or her appointment.
- B. This immunity applies only to actions taken within the scope of the AAL's duties. Any actions that constitute gross negligence and any actions outside the scope of the attorney's representation in the dependency-neglect case are not immune. The AAL should consider whether he or she may wish to procure malpractice insurance.
- C. The immunity provision of Administrative Order No. 15.1 does not include other types of liability such as premises general liability, automotive liability, or any other types of negligence or liability outside the scope of the AALs representation as defined by the Administrative Order. Consequently, the AAL may wish to procure insurance for any other risks such as these.

VI. COMMUNICATIONS

- A. AALs are required to have an e-mail address to receive e-mail correspondence from the AAL Program. The e-mail account must be kept active and in a state that allows it to receive e-mails. The AAL must respond to e-mails in a timely manner.
- B. AALs must keep the AAL Program apprised of their current mailing address, physical address, telephone numbers, fax numbers, cell phone numbers, and e-mail addresses at all times.
- C. AALs must answer all communications in a timely manner whether the correspondence is by telephone, fax, mail services, e-mail, or otherwise.

VII. DATA REPORTING and EQUIPMENT USE

- A. The AAL shall comply with all reporting requirements of the AAL Program. The AAL shall provide all requested information in the time frame specified, or if none is specified, within a timely manner.
- B. All invoices shall be submitted to the Juvenile Division Data Analyst no later than the 15th of each month.
- C. To help ensure that all records and program information is accurate, the AAL shall notify the Juvenile Division Data Analyst of any changes to your personal information, which includes mailing address, telephone numbers, name changes, emergency contacts, and any other relevant information.
- D. Failure to comply with all reporting requirements may result in termination of employment, cancellation of the AAL's contract, and/or withholding of contract payments.
- E. Full-time AALs may be provided computer and other technology equipment for use as it relates to their work as an AAL. Any needs for equipment should be directed to the AAL Program Director. All equipment must be used only for work as it relates to D/N representation and must be returned to the AOC at termination of employment or contract.

VIII. COVERAGE FOR ILLNESSES AND EXTENDED LEAVE

- A. When an AAL will miss a court date due to illness or injury, the AAL should notify his/her client (if practical to do so), the court, and any other parties or entities the AAL believes should be informed. The AAL should attempt to get his/her cases covered for that day, if practical to do so, by another AAL or seek continuances if it is in the best interest of the client. If the AAL is unable to get coverage or a continuance, the AAL Program Director or Assistant Director will assist the AAL

in getting coverage upon request. Only qualified AALs who are under contract or employed with the AOC may stand in for the AAL of record on the case.

- B. When an AAL will be taking an extended leave, such as a vacation or planned medical leave, the AAL should notify the AAL Program Director or Assistant Director as soon as the dates of the planned leave have been identified. It is expected that the AAL should arrange for coverage of all hearings scheduled during the planned leave and for coverage of any emergency hearings or other issues that may arise during the period of the extended leave. The AAL should provide the plan for coverage to all parties or their counsel, to the Division of Children and Family Services (DCFS) County Supervisor for each county the AAL covers, to the court, and to the AAL Program Director or Assistant Director prior to the extended leave. If the AAL requires assistance of the AAL Program Director or Assistant Director in arranging for coverage, the AAL should request such assistance in a timely manner.
- C. In keeping with state and federal goals of timely case progress, cases should not be continued unless no other alternative exists.
- D. Full-time employees shall also comply with the AOC Policy regarding all leave requests.

IX. LEGISLATIVE PROPOSALS

AALs are encouraged to notify the AAL Program Director or Assistant Director of any ideas or suggestions for legislative changes. AALs should not communicate directly with legislators about ideas or suggestions for proposed legislative changes regarding dependency-neglect issues. An AAL should contact the AAL Program Director or Assistant Director if contacted directly by a legislator seeking input from the AAL on dependency-neglect related legislative proposals or ideas.

X. REQUIRED CONTACT WITH CLIENTS

- A. Pursuant to Administrative Order 15.1, the AAL must interview the child, and in conjunction with a trained CASA volunteer, when one has been appointed, shall interview the parents, foster parents, caseworker, service providers, school personnel and others having relevant knowledge to assist in representation. Continuing investigation and regular contact with the child are mandatory. Additionally, absent reasonable cause, the attorney shall directly communicate with his or her client and/or his or her client's caregiver prior to the date of each hearing.
- B. The AAL shall arrange and attend a personal meeting with the child at DYS or a detention facility during any period of time in which the child is committed or detained. Additionally, the AAL shall arrange and attend a personal meeting with the child at the residential treatment facility during any period of time in which the

child is placed in a residential treatment facility, provided the AAL has received reasonable notice of the placement.

- C. The AAL shall provide his or her clients and/or his or her client's caregivers, the attorney's contact information and shall respond promptly to all contacts concerning his or her client, understanding that traditional methods of communication may vary depending on the client's age and ability.

XI. COLLATERAL LEGAL ISSUES

- A. Legal matters which are not directly related to the dependency-neglect case are outside the scope of DN representation. Examples of common issues include: delinquency, family in need of services (FINS), personal injury, estate planning, liability claim, immigration cases, and appeals in child maltreatment case or central registry cases.
- B. As these matters are outside the scope of DN representation, full-time AALs are prohibited from client representation in these collateral cases.
- C. The Department of Human Services has contracts with attorneys to represent foster children who have collateral civil legal matters. If the AAL determines that the services of a contract attorney are necessary to protect the legal interest of the client, the AAL shall ensure that the client's caseworker makes the appropriate referrals for this service through DCFS or if necessary, may ask that the court order such a referral for services.
- D. Attorneys ad litem shall not file petitions for adoption in cases in which they serve as the child's AAL. The petitioners in these types of proceedings should be the adoptive parents, not the child. Therefore, it is deemed to be a conflict of interest for the AAL to file these petitions.

XII. WORKING WITH CASA

- A. The Juvenile Code authorizes a court to appoint a CASA volunteer to in DN cases to investigate the case to which the CASA volunteer is assigned. The CASA volunteer may provide independent factual information to the court through the AAL, court testimony, or court reports.
- B. Under Administrative Order 15.1, the AAL may conduct his/her independent investigation in conjunction with CASA and may rely on interviews with collateral sources by an appointed CASA volunteer. The Administrative Order does not authorize the AAL to rely solely on the CASA volunteer's contact with the child client. As indicated in Section X above, the AAL is required to make contact with the child and/or his or her caregiver prior to each hearing absent reasonable cause.

- C. The AAL is not the legal representative of the CASA volunteer. Both the AAL and the CASA volunteer are charged with the independent duty to advocate for the best interest of the child based on their independent investigations. In some circumstances the conclusions drawn by the AAL and the CASA volunteer about best interest may differ.
- D. If the CASA volunteer has prepared a court report and no other attorney is proposing that the report be introduced into the record, the AAL shall introduce the report into the record during the hearing for which it was prepared so long as the report was provided to all parties seven (7) business days prior to the court date. Introduction of the CASA court report by the AAL does not constitute the AAL's agreement with the contents of the report and the AAL may present evidence to refute the report.

XIII. CONFIDENTIALITY

Any confidential information provided for or developed by the AAL in the performance of his or her duties shall be kept confidential and shall not be made available to any individual or organization by the AAL without the prior written approval of the AOC or the juvenile court. This provision shall extend indefinitely beyond the duration of the AAL's employment or contract.

XIV. TALKING TO MEDIA/REPORTERS

- A. The AAL should contact the AAL Program Director or Assistant Director immediately if they are contacted by the press or media regarding a dependency-neglect case. This policy ensures that the organization's messages are consistent over time and across issues and that when a staff member takes a position or speaks in his/her role as an AAL, that it is indeed the position of the AOC and not just the individual.
- B. Some of the materials and information received and handled by the AOC are confidential as defined by the law, the provisions of judicial ethics, and the policies of the Supreme Court. Requests for copies of or information from published AOC reports should be directed to the AAL Program Director or Assistant Director.
- C. All Freedom of Information Act (FOIA) requests should be immediately forwarded to the Director of the AOC and the AAL Program Director.

XV. RECORDS & CLOSED FILES

- A. The AAL shall maintain all files, pleadings, and documents necessary for competent representation of his or her clients.
- B. AAL files may be in paper format, electronic format or a combination of both paper and electronic. Whatever format the AAL chooses to use in maintaining his or her

files, they should be maintained in a manner such that another AAL would be able to access the files and adequately represent the client(s) in the event of an emergency.

- C. The AAL Program may review such files at any time without notice. The AAL will make all files available upon request.
- D. The AAL is responsible for the proper handling, maintenance, and storage of closed files for which he/she was the final attorney of record.
 - 1. Closed files shall be maintained either physically or electronically by the AAL for at least five years after the youngest child turns 21 years of age.
 - 2. The AAL Program will not be responsible for storage or maintenance of closed case files.
 - 3. AALs may be reimbursed for storage fees incurred for maintaining closed DN files. Any storage unit which houses other items not related to dependency-neglect cases will not be eligible for reimbursement.
 - 4. The AAL is responsible for ensuring that files are appropriately destroyed and disposed of after the timeframe for maintaining files has expired.
- E. Upon termination of employment, or upon termination of contract, the AAL will provide the original and complete case files and records for all open cases to the AAL Program, or upon direction, to the AAL who will be the next attorney of record on the case. All files and records for open cases shall be provided no later than the final date of employment or the final date of the contract. The transferring attorney may keep a copy of files transferred.

XVI. PROFESSIONAL DEVELOPMENT

- A. The AAL Program supports and encourages the professional growth and development of the AALs.
- B. In order to further the Program's expertise in child welfare related issues, the AAL Program will continue to provide training opportunities available to AALs.
- C. AALs are expected to attend and fully participate in training opportunities provided to attorneys by the AOC.
 - 1. Full-time AALs shall attend the Children in the Courts Conference, the AAL Fall Conference and any regional training offered by the AAL Program in their local area.

2. Part-time AALs shall attend a minimum of four (4) hours of the Children in the Courts Conference, four (4) hours of the AAL Fall Conference and any regional training offered by the AAL Program in their local area.
 3. Written permission from either the AAL Program Director or the Assistant Director is required if an AAL cannot attend a required training due to an unavoidable conflict, such as court, or an emergency, such as illness.
- D. There are several other opportunities for training offered within the state each year. AALs are encouraged to participate in training which will enhance their knowledge of child welfare related issues and to share their knowledge with their colleagues.
- E. Conference fees and in-state travel expenses incurred to participate in training related to child welfare issues may be reimbursable expenses.
1. Request for approval for reimbursement should be submitted in writing to the AAL Program Director or Assistant Director and must be received prior to the training. It is strongly suggested that the AAL register for the training only after receiving approval from the AAL Program Director or Assistant Director.
 2. AALs will only be reimbursed up to the amount of their available expense balance as allocated in their contract or as part of their employment.
- F. AALs are encouraged to participate in organizations which will enhance their professional development. AALs may be reimbursed for membership in professional organizations that are closely tied to the practice of child welfare law. Organizations that are pre-approved for membership include the National Association of Counsel for Children (NACC), the Arkansas Bar Association, and the Infant Mental Health Association. It is strongly suggested that AALs seek approval for reimbursement prior to joining any organization that is not on the pre-approved list. AALs will only be reimbursed up to the amount of their available expense balance as allocated in their contract or as part of their employment.
- G. AALs are encouraged to consider applying for and becoming a certified Child Welfare Law Specialist (CWLS) created by the NACC and accredited by the American Bar Association. Fees for obtaining and/or maintaining certification not otherwise covered by scholarships or waivers may be reimbursed from the AAL's available expense balance.

XVII. PROBLEM RESOLUTION

The AAL Program is committed to providing a positive working environment for our employees and contractors. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion or question receives a timely response from the program management.

It is expected that all AALs and Program staff will treat each other with mutual respect. AALs are encouraged to offer positive and constructive criticism to each other and to Program staff.

If an AAL disagrees with established policies or practices, or believes a decision is unjust or inequitable, the AAL should express his or her concern to the AAL Program Director or Assistant Director. If after discussing the issue with AAL Program staff, the AAL continues to believe the decision is unjust or inequitable, the AAL should consult the Juvenile Division Director. If after exhausting all of these options, the AAL continues to be dissatisfied, the AAL should contact the Director of the AOC to discuss the concern.

Should the AAL have a dispute or problem involving the court or other persons or entities involved in a dependency-neglect case, the AAL may refer the issue to the AAL Program Director or Assistant Director for assistance in resolving the conflict.

XVIII. COMPLAINT PROCEDURE

In order to assure quality representation for children and adherence to the Standards of Practice set forth in the Supreme Court Administrative Order No. 15.1, the following procedure will be followed by the AAL Program in addressing complaints against an AAL:

1. The AAL Program will maintain a complaint form on the Arkansas Judiciary website and will be provided upon request to anyone wishing to make a formal complaint about an AAL.
2. The AAL Program Director or Assistant Director will review all complaints received to determine how to proceed and will follow up with the person filing the complaint and the AAL for additional information as necessary.
3. It may not be necessary for the AAL Program Director or Assistant Director reviewing a complaint to notify the AAL of the complaint; however, a copy of the written complaint requiring an investigation or for which an AAL may be subject to corrective action will be provided to the AAL so that he or she may provide a response to the complaint. The AAL's response will be made part of the complaint documentation.
4. If the complaint is found to have merit, the AAL Program Director or Assistant Director will notify the AAL of the determination and will assist as needed to find a resolution to the issues of the complaint.
5. Complaints having been found to have merit and any corrective action plan will be entered into the AAL's contract file or personnel file. Complaints having been found to be without merit, will not be entered into the AAL's contract file or personnel file.

XIX. TERMINATION OF EMPLOYMENT OR CONTRACT

- A. Upon termination of employment or cancellation of a contract, the AAL is expected to provide as much advance notice as possible to the AAL Program.
- B. At the end of employment or the contract, in addition to providing the original copy of all open files, the AAL will provide information about all upcoming hearings, case plan staffings or other meetings and the court calendar for all counties where the AAL was appointed.
- C. Prior to the last date of employment or of the contract, the AAL shall return all AOC equipment and property to the AAL Program staff. Items to be returned include, but are not limited to computers, printers, fax machines, MFC machines, phones, air cards, ID Badges, keys, books and resource manuals.
- D. Upon termination of employment or cancellation of a contract, the AAL Program may schedule an exit interview with the AAL to discuss the reason the AAL is leaving and provide an opportunity for feedback regarding AAL Program improvements.

SUPREME COURT OF ARKANSAS

No.

IN RE ADMINISTRATIVE
ORDER NUMBER 15.1 B
QUALIFICATIONS AND
STANDARDS FOR ATTORNEYS
APPOINTED TO REPRESENT
CHILDREN AND PARENTS

Opinion Delivered March 17, 2016

PER CURIAM

Administrative Order Number 15.1 is amended, effective immediately, and republished as set out below. The amendments are to sections 1, 2, and 3, are illustrated in the End Note, and are summarized as follows: Section 1 (c) is amended to provide an individualized clinical component commensurate with each attorney=s experience. Sections 2 and 3 are amended with respect to providing attorney contact information and clarifying attorney=s communication responsibilities.

Administrative Order Number 15.1 - Qualifications and Standards for Attorneys Appointed to Represent Children and Parents

Section 1. Qualifications for attorneys appointed by the court to represent children and indigent parents in dependency-neglect cases.

- a. An attorney shall be licensed and in good standing with the Arkansas Supreme Court.
- b. (1) Prior to appointment, an attorney shall have initial education to include approved legal education of not less than 10 hours in the two years prior to the date an attorney qualifies as a court-appointed attorney for children or indigent parents in dependency-neglect cases. Initial training must include:

Child development;

Dynamics of abuse and neglect;

Attorney roles & responsibilities, including ethical considerations;

Relevant state law, federal law, case law, and rules;

Family dynamics, which may include but is not limited to, the following topics: substance abuse, domestic violence and mental health issues; and

Division of Children and Family Services (DCFS) policies and procedures.

Additional initial legal education may include, but is not limited to:

Grief and attachment;

Custody and visitation;

Resources and services; and

Trial and appellate advocacy.

(2) The Administrative Office of the Courts (AOC) shall design and conduct programs for the initial 10 hours of legal education, either alone or in collaboration with other agencies or entities.

(3) Following completion of the initial 10 hours of legal education, continuing legal education (CLE) shall include at least 4 hours per year related to representation in dependency-neglect cases which may include, but is not limited to, the subject categories listed in (b)(1). The 4 hours of CLE may be in any one of the specified categories in (b)(1) or in any combination thereof.

(4) Both the initial 10 hours of education and the 4 hours of CLE shall be certified in accordance with the rules and regulations promulgated by the Continuing Legal Education Board. All educational hours shall be calculated with reference to the CLE reporting period of July 1 through June 30, as utilized for general CLE credit by the Continuing Legal Education Board. The CLE hours for attorneys may not be carried over from one CLE year to the next.

(5) An attorney who is qualified for court appointment in dependency-neglect cases but who fails to acquire 4 hours of CLE required by June 30 of any year shall be subject to the pertinent compliance dates of Rule 5(D) of the Arkansas Rules and Regulations for Minimum Continuing Legal Education. In accordance with Rule 5.(D), attorneys who sign an acknowledgment deficiency by August 31, and obtain their 4 hours by December 1 shall remain qualified. However, such attorneys shall not be subject to the provisions of Section 5 of the Regulations for Minimum Continuing Legal Education.

(6) When an attorney is seeking to complete the 4-hour CLE requirement between June 30 and December 1 for the previous CLE year, he or she may remain as attorney on any pending cases for which appointment was made when the attorney was in compliance with the educational requirements. However, that attorney shall not accept appointment to any new cases until he or she is in full compliance with the CLE requirements.

(7) An attorney who fails to complete 4 hours of CLE by December 1 is no longer qualified for court appointment in dependency-neglect cases. His or her name shall be removed from the list of qualified attorneys that is maintained and distributed to the trial courts by the AOC. Such attorney can become qualified again only by completing 10 hours of CLE in the categories required for initial qualification.

(8) Attorneys in compliance with the educational qualifications as an attorney ad litem for dependency-neglect cases as of July 1, 2001 shall be deemed to have met the initial educational qualifications to represent parents in dependency-neglect cases.

- c. Clinical prerequisite for new appointments in dependency-neglect cases. The Directors of the Attorney Ad Litem Program and Parent Counsel Program shall establish an individualized clinical prerequisite commensurate with each individual attorney=s experience that may include but is not limited to participation in staffings, mediation and hearings with an experienced attorney, and assigning an experienced attorney as mentor to the new attorney. Each attorney shall have a documented clinical plan approved by an attorney program director in their dependency-neglect qualification file.

Section 2. Standards of practice for attorneys ad litem in dependency-neglect cases.

- a. An attorney ad litem shall conduct personally or in conjunction with a trained Court Appointed Special Advocate (CASA) volunteer an independent investigation consisting of review of all relevant documents and records including but not limited to: police reports, DCFS records, medical records, school records, and court records. The ad litem shall interview the child, and in conjunction with a trained CASA volunteer, when one has been appointed, shall interview the parents, foster parents, caseworker, service providers, school personnel and others having relevant knowledge to assist in representation. Continuing investigation and regular contact with the child are mandatory. The attorney ad litem shall provide his or her clients and/or his or her client=s caregivers, the attorney=s contact information and shall respond promptly to all contacts concerning his or her client, understanding that traditional methods of communication may vary depending on the client=s age and ability.
- b. An attorney ad litem shall determine the best interest of a child by considering such factors as the child's age and sense of time, level of maturity, culture and ethnicity, degree of attachment to family members including siblings; as well as continuity, consistency, and the child's sense of belonging and identity.
- c. An attorney shall make earnest efforts to attend all case staffings and court-ordered mediation conferences. Absent reasonable cause, the attorney shall directly communicate with his or her client and/or his or her client=s caregiver prior to the date of each hearing. An attorney ad litem shall appear at all hearings to represent the best interest of the child. All relevant facts should be presented to the court and if the child's wishes differ from the

ad litem's determination of the child's best interest, the ad litem shall communicate the child's wishes to the court.

- d. An attorney ad litem shall explain the court proceedings and the role of the ad litem in terms that the child can understand.
- e. An attorney ad litem shall advocate for specific and appropriate services for the child and the child's family.
- f. An attorney ad litem shall monitor implementation of case plans and court orders.
- g. An attorney ad litem shall file appropriate pleadings on behalf of the child.
- h. An attorney ad litem shall review the progress of the child's case and shall advocate for timely hearings.
- i. An attorney ad litem shall request orders that are clear, specific, and, where appropriate, include a time line for assessment, services, placement, treatment and evaluation of the child and the child's family.
- j. Attorney-client or any other privilege shall not prevent the ad litem from sharing all information relevant to the best interest of the child with the court.
- k. An attorney ad litem, functioning as an arm of the court, is afforded immunity against ordinary negligence for actions taken in furtherance of his or her appointment.
- l. An attorney ad litem shall participate in 10 hours of initial legal education prior to appointment and shall participate in 4 hours of CLE each year thereafter.
- m. An attorney ad litem shall identify any potential or actual conflict of interest that would impair his or her ability to represent a client. The attorney shall notify the court as soon as practical of such conflict to allow the court to appoint another attorney for the client or for the client to retain counsel prior to the next hearing.
- n. A full-time attorney shall not have more than 75 dependency-neglect cases, and a part-time attorney shall not have more than 25 dependency-neglect cases. Any deviations from this standard must be approved by the Administrative Office of the Courts which shall consider the following, including but not limited to: the number of counties and geographic area in a judicial district, the experience and expertise of the attorney ad litem, area resources, the availability of CASA volunteers, the attorney's legal practice commitments and the proportion of the attorney's practice dedicated to representing children in dependency-neglect cases, the availability of qualified attorneys in the geographic area, and the availability of funding. An attorney who is within 5 cases of reaching the maximum caseload shall notify the Administrative Office of the Courts and the Juvenile Division Judge.

- o. An attorney shall not accept appointment of any case for which he or she cannot devote the requisite amount of time to comply with the above Standards of Practice and the Model Rules of Professional Conduct.

Section 3. Standards of practice for attorneys appointed by the court to represent parents in dependency-neglect cases.

- a. An attorney shall conduct a review of all relevant documents and records including but not limited to: police reports, DCFS records, medical records, and court records. An attorney shall interview all people having relevant knowledge to assist in representation, including but not limited to the investigator, OCC attorney or DCFS case worker, and service providers.
- b. The attorney shall provide his or her clients the attorney=s contact information and shall respond promptly to all contacts concerning his or her client. An attorney shall make earnest efforts to attend all case staffings and court-ordered mediation conferences. Absent reasonable cause, the attorney shall directly communicate with his or her client prior to the date of each hearing. An attorney shall attend all dependency-neglect court hearings until the case is closed or his or her client's parental rights have been terminated.
- c. An attorney shall diligently and zealously protect and advance the client's interests, rights and goals at all case staffings and in all court proceedings.
- d. An attorney shall advise and explain to the client each stage of the court proceedings and the likelihood of achieving the client's goals. An attorney, where appropriate, shall identify alternatives for the client to consider, including the client's rights regarding any possible appeal, and explain the risks, if any, inherent in the client's position.
- e. An attorney shall appear at all hearings and present all evidence and develop all issues to zealously advocate for his or her client and to further the client's goals.
- f. An attorney shall advocate for specific and appropriate services for the parent to further the client's goals.
- g. An attorney shall monitor implementation of case plans and court orders to further the client's goals.
- h. An attorney shall file appropriate pleadings to further the client's goals.
- i. An attorney shall review the progress of the client's case and shall advocate for timely hearings when necessary to further the client's goals.
- j. An attorney shall request orders that are clear, specific, and, where appropriate, include a time line for assessment, services, placement, and treatment.

- k. An attorney shall participate in 10 hours of initial legal education prior to appointment and shall participate in 4 hours of CLE each year thereafter.
- l. An attorney shall identify any potential or actual conflict of interest that would impair his or her ability to represent a client. The attorney shall notify the court as soon as practical of such conflict to allow the court to appoint another attorney for the client or for the client to retain counsel prior to the next hearing.
- m. An attorney shall not accept appointment of any case for which he or she cannot devote the requisite amount of time to comply with the above Standards of Practice and the Model Rules of Professional Conduct.

Section 4. Qualifications for attorneys appointed by the court to represent children in domestic relations cases and guardianship cases when custody is an issue.

- a. An attorney shall be licensed and in good standing with the Arkansas Supreme Court.

(1) Prior to appointment, an attorney shall have initial education to include approved legal education of not less than 10 hours in the two years prior to the date the attorney qualifies for appointment. Initial education shall include but is not limited to:

Child development;

Ad litem roles and responsibilities, including ethical considerations;

Relevant substantive state, federal and case law;

Custody and visitation; and

Family dynamics, including substance abuse, domestic abuse, and mental health issues.

(2) The Administrative Office of the Courts shall design and conduct programs for the initial 10 hours of legal education, either alone or in collaboration with other agencies or entities.

(3) Continuing education required to maintain qualification as an attorney ad litem shall include 4 hours of annual education in any of the five subject-matter areas set out in (b)(1) above for initial training, or in other areas affecting the child and family. The 4 hours of CLE may be in any one of the specified categories or in any combination thereof.

(4) Both the initial 10 hours of education and the 4 hours of CLE shall be certified as CLE in accordance with the rules and regulations promulgated by the Continuing Legal Education Board. All educational hours shall be calculated with reference to the CLE reporting period of July 1 through June 30, as utilized for general CLE credit by the

Continuing Legal Education Board. The CLE hours for attorneys ad litem may not be carried over from one CLE year to the next.

(5) An attorney who is qualified as an attorney ad litem but who fails to acquire 4 hours of CLE by June 30 of any year shall be subject to the pertinent compliance dates of Rule 5.(D) of the Arkansas Rules and Regulations for Minimum Continuing Legal Education. In accordance with Rule 5.(D), attorneys who sign an acknowledgment of deficiency and obtain their four hours by December 1 shall remain qualified as attorneys ad litem. However, such attorneys shall not be subject to the provisions of Section 5 of the Regulations for Minimum Continuing Legal Education.

(6) When an attorney ad litem is seeking to complete the 4-hour continuing education requirement between June 30 and December 1 for the previous CLE year, he or she may remain as attorney ad litem on any pending cases for which appointment was made when the attorney was in compliance with educational requirements. However, that attorney shall not accept appointment to any new cases until he or she is in full compliance with the CLE requirements.

(7) An attorney who fails to complete 4 hours of CLE by December 1 is no longer qualified as an attorney ad litem. His or her name shall be removed from the list of qualified attorneys that is maintained and distributed to the trial courts by the AOC. Such attorney can become qualified again only by completing 10 hours in the categories required for initial qualification.

Section 5. Standards of practice for attorneys ad litem in domestic relations cases and guardianship cases when custody is an issue.

a. An attorney ad litem shall conduct an independent investigation consisting of review of all relevant documents and records. The ad litem shall interview the child, parents, and others having relevant knowledge to assist in representation. Continuing investigation and regular contact with the child during the pendency of the action are mandatory. Upon entry of a final order, the attorney ad litem's obligation to represent the minor child shall end, unless directed otherwise by the court.

b. An attorney ad litem shall determine the best interest of a child by considering such custody criteria as:

(1) Moral fitness factors: integrity, character, compassion, sobriety, religious training and practice, a newly acquired partner regarding the preceding elements;

(2) Stability factors: emotional stability, work stability, financial stability, residence and school stability, health, partner stability;

(3) Love and affection factors: attention given, discipline, attitude toward education, social attitude, attitude toward access of the other party to the child, and attitude toward cooperation with the other party regarding the child's needs;

(4) Other relevant information regarding the child such as stated preference, age, sex, health, testing and evaluation, child care arrangements; and regarding the home such as its location, size, and family composition.

c. An attorney ad litem shall appear at all hearings to represent the best interest of the child. All relevant facts should be presented to the court and if the child's wishes differ from the ad litem's determination of the child's best interest, the ad litem shall communicate the child's wishes to the court, as well as the recommendations of the ad litem.

d. An attorney ad litem shall file appropriate pleadings on behalf of the child, call witnesses, participate fully in examination of witnesses, present relevant evidence, and advocate for timely hearings.

e. An attorney ad litem shall explain to the child the court proceedings and the role of the ad litem in terms that the child can understand.

f. An attorney ad litem shall make recommendations to the court for specific and appropriate services for the child and the child's family. All recommendations shall likewise be communicated to the attorneys for the parties, or if a party is pro se, then to the party.

g. An attorney ad litem shall not be prevented by any privilege, including the lawyer-client privilege, from sharing with the court all information relevant to the best interest of the child.

h. An attorney shall not accept appointment to any case for which he or she cannot devote the requisite amount of time to comply with these standards of practice and the Model Rules of Professional Conduct.

Dependency-Neglect Attorney Ad Litem Standards for Best Practice in Child Representation

A. General Duties

1. Appointment: The Juvenile Code requires the Court to appoint a qualified AAL to represent the best interest of the juvenile when a DN petition is filed or when an emergency *ex parte* order is entered, whichever occurs first. The AAL should begin service immediately upon appointment. Prior to the first hearing the AAL should begin a preliminary investigation into the facts of the case and explore options to ensure the child is protected in a way that results in minimal disruptions for the child. The AAL should consider whether the child could remain in or be returned to the home with a safety plan, placed with a non-offending parent, or whether a provisional foster care placement might be a more appropriate placement for the child.
2. Child's Interest: The AAL serves as an independent advocate for the child's best interest and is expected to aggressively fulfill the duties and obligations set forth in Administrative Order 15.1 and in these DN AAL Standards for Best Practice in Child Representation.
3. Basic Obligations: The AAL should:
 - a. Obtain copies of all pleadings and relevant notices;
 - b. Participate in all negotiations, pretrial conferences, discovery, depositions, mediations and hearings;
 - c. Ensure that all parties and their counsel are informed of the AAL's appointment and ensure the role of the AAL is explained to any unrepresented party. The AAL should ensure the parties understand the need to provide the AAL notice of filings, notice of staffings or other meetings and notice of changes in circumstances affecting the child and the child's family;
 - d. Participate fully in all placement decisions and should assist in identifying placement alternatives. The AAL should advocate for all placement decisions to be well thought out and should advocate for minimal placement disruptions for the child throughout the case;
 - e. Advocate for timely hearings without unnecessary delays and for speedy permanency for all clients;
 - f. Counsel the child concerning the subject matter of the litigation, the child's rights, the court system, the proceedings, the lawyer's role, and what to expect in the legal process;
 - g. Develop a theory and strategy of the case to implement at hearings, including factual and legal issues and be prepared to present evidence at hearings to support the AAL's recommendations to the court;

- h. Identify and advocate for appropriate services for the child and the family; and,
 - i. Maintain case files that include all relevant information for each case to which the AAL has been appointed.
- 4. Determining Decision-Making Capacity of the Child Client: The AAL should be vigilant and thoughtful about maximizing the child client's participation and input in determining the recommendations to be made in the case. Even though the AAL is representing the best interest of the child, the AAL should actively engage the child in the decision-making process to the extent that the child is able to do so. The child's participation in the decision-making process should be ongoing throughout the life of the case. The level of participation by the child in the decision making may vary with respect to a particular issue or a particular stage in the case.
- 5. Client Preferences: The AAL should ensure that the court is provided with information about the wishes of the child. The AAL should strive to understand "how this client speaks, how this client sees the world, what this client values, and what shows this client respect." (Jean Koh Peters, *Representing Children in Child Protective Proceedings: Ethical and Practical Dimensions*, p. 258 (1997)). In order to determine the child's wishes, the AAL must spend sufficient time getting to know and listening to the child client. In making recommendations that differ from the child's wishes, the AAL should consider the impact on the child, should explain the recommendation and the reasons for the recommendation to the child in a developmentally appropriate way. When the AAL's recommendations differ from the child's wishes, the AAL should also ensure the child understands that his or her wishes will be communicated to the court and should discuss with the child how best to communicate that information to the court.

B. Out of Court: Actions to be Taken

- 1. Meet with the Child: Establishing and maintaining a relationship with the child client is the foundation of representation. The AAL should maintain regular, ongoing contact with the child throughout the case. At a minimum, the AAL should have contact with the child and/or his or her caregiver prior to every hearing. Contact with the child at the courthouse on the day of court is not ongoing, regular contact. In addition to contacts with the child to prepare for upcoming hearings, the AAL should also have contact with the child whenever the AAL has knowledge of an emergency or a significant event that impacts the child.
- 2. Investigation: Administrative Order 15.1 requires the AAL to conduct a continuing, independent investigation. A thorough independent investigation includes, but should not be limited to:

- a. Review of records from DCFS, CACD, medical providers, law enforcement, school, mental health, psychiatric, psychological, drug and alcohol, and any other records relevant to the case;
- b. Review the court files of the child or family in other related cases;
- c. Contact the other lawyers, parties, family members and CASA for background information about the case;
- d. In accordance with the Arkansas Model Rules of Professional Conduct, contact the parents, guardians or custodians of the child to gather information about the case and the child;
- e. Seek to identify maternal and paternal relatives and other individuals connected to the child who could be considered for placement, visitation or who could otherwise help emotionally support the child and family;
- f. Obtain any necessary authorizations for the release of information related to the case. If necessary, obtain court orders to access information to investigate the case and services needed;
- g. Interview collateral sources who have information about the child including school personnel, caseworkers, foster parents, caretakers, neighbors, relatives, coaches, clergy mental health professionals, physicians, law enforcement officers, and other potential witnesses;
- h. Review relevant photographs, video or audio recordings, and other physical evidence;
- i. Attend any meetings relevant to the child's case and needs, including staffings, treatment team meetings, school conferences, and other relevant legal proceedings.

3. Advice and Counseling: The AAL and the child client should work together to set the goals of the representation. Representing children involves more than investigation and advocacy. All attorneys have the duty to help a client understand their legal rights and obligations and to identify the practical options. This is no less true for a child client. The child's age and maturity should be considered in determining the extent that the AAL can accommodate the child's wishes in setting the goals of advocacy and in making a best interest recommendation. At all times, the child client should be treated with respect. Consistent with the child's level of maturity and understanding, the AAL should discuss the facts and legal aspects of the case with the child, strive to understand the child's world and perspective, assist the child in understanding the situation and the options available to him or her, and counsel the child as to the positions to be taken by the AAL in the case. The AAL should advise the child client of the AAL's role, including information that the AAL is a mandated reporter. The AAL should ensure the child understands that information shared by the child with the AAL may not be kept confidential if in the AAL's opinion, disclosure of the information is necessary to protect the health and safety of the child.

4. File Pleadings: The AAL should file petitions, motions, responses, briefs or discovery as necessary to represent the child. Relief requested may include, but is not limited to:
 - a. A psychological or physical examination of a party or the child;
 - b. An increase, decrease, or termination of contact or visitation;
 - c. Restraining or enjoining a change of placement;
 - d. Enjoining the custodian from action that negatively impacts the child;
 - e. Contempt for non-compliance with a court order;
 - f. Dismissal of petitions or motions;
 - g. Motions for reconsideration;
 - h. Motion for services for the child or family;
 - i. Termination of parental rights;
 - j. Appeal of a final order; or
 - k. Interrogatories, request for production of documents or request for admissions.
5. Request Services: The AAL should seek appropriate services, by court order if necessary, to access entitlements, to protect the child's interests and to implement a case plan. These services may include, but not be limited to:
 - a. Family preservation services designed to prevent removal of the child from the family home;
 - b. Reunification services;
 - c. Sibling and family visitation;
 - d. Child support;
 - e. Domestic violence prevention, intervention and treatment;
 - f. Medical or mental health care;
 - g. Drug and alcohol treatment;
 - h. Parenting classes addressing specific needs of the parent;
 - i. Transitional services;
 - j. Adoption services;
 - k. Educational needs such as educational stability, IEP and tutoring.
6. Client's with Special Needs: The AAL should advocate that children who have special needs receive appropriate services to address their physical, mental, developmental or emotional needs. These services may include, but should not be limited to:
 - a. Special education and related services;
 - b. Supplemental security income (SSI) to help support needed services;
 - c. Therapeutic foster care or group home care;

- d. Residential in-patient and out-patient psychiatric services; and
 - e. DDS services.
7. Problem-Solving: The AAL should continually search for appropriate non-adversarial resolutions to problems or issues that arise in the case. The AAL should adopt a problem-solving attitude and seek cooperative resolution of the case whenever possible. The AAL should also initiate and participate in negotiations to narrow the issues of contested hearings where possible and to seek expeditious case resolution in order to achieve timely permanency. The AAL should use appropriate mediation and family conferencing resources to resolve issues. The AAL should utilize the expertise of other AALs and AOC staff to brainstorm creative solutions to problems.

C. In Court: Active Participation in Hearings

1. Court Appearances: The AAL should attend all hearings and participate in all telephone or other conferences with the court.
2. Client Explanation: The AAL should explain to the client prior to each hearing, in a developmentally appropriate manner, what is expected to happen before, during and after court hearings.
3. Motions and Objections: The AAL should make appropriate motions, including motions *in limine* and evidentiary objections, to advance the recommendations of the AAL at trial or during other hearings. If necessary, the AAL should file appropriate briefs in support of evidentiary issues. Further, during all hearings, the AAL should preserve any legal issues for appeal. Should the AAL desire assistance to ensure legal issues are preserved for appeal, the appellate AAL is available for consultation and/or assistance.
4. Presentation of Evidence: Although the moving party in most DN cases is the Department, the AAL should consider whether he or she should join the Department's petition or file a cross-petition in order to ensure the AAL has standing to pursue adjudication of the petition or to pursue an appeal should that be necessary. Additionally, the AAL should have participated in sufficient trial prep with the agency to determine whether the agency is able to meet its burden of proof and what evidence the AAL may need to be prepared to present to ensure that the record is sufficient for the court to find in favor of the AAL's recommendations. The AAL should ensure that all relevant information is provided to the court through direct or cross examination of witnesses, exhibits or other evidence.
5. Client Participation in Hearings: All clients should be in court for all hearings related to the case unless their presence is specifically excused by the court. The AAL should advocate for appropriate engagement of the child client at each court

hearing. Taking into consideration the age and maturity of the client, the AAL should ensure that the client sits with the AAL during the hearing and is provided an opportunity to testify if the client wishes to do so. If the AAL determines that it is in the best interest of their client to be excused from court, the AAL should advocate for their presence to be excused by the court sufficiently in advance of the hearing so as not to disrupt the child's schedule. In the event a hearing is continued or rescheduled, the AAL should ensure the child and his or her caregiver are notified of the continuance so that the child is not unnecessarily brought to court.

6. Foster Parents or Caretakers: If a foster parent or caretaker is present at court, the AAL should ensure that the court is made aware of their presence and advocate for them to have an opportunity to be heard on any issues that are relevant to the child's best interest.
7. Court Appointed Special Advocates: The AAL should advocate for the appointment of CASA Volunteers when it is in the best interest of the child. If a CASA is appointed to the case, the AAL should ensure that the CASA report is offered into evidence; however, the AAL should make any objections that they deem appropriate in order to successfully advocate on behalf of their client.

D. Post-Hearing

1. Review of Court's Order: The AAL should review all written orders to ensure that they conform with the court's verbal orders, are individualized and specific, and meet federal and state statutorily required findings. The AAL should advocate for written orders to be filed timely with the court.
2. Communicate Order to the Child and/or the Child's Caretaker: After each hearing, the AAL should explain to the client what happened in court and review the court's orders with the client in a developmentally appropriate manner. The AAL should also ensure that the child's caretakers, including foster parents, are fully informed regarding the court's orders with respect to information necessary for the caretaker to adequately meet the needs of the client.
3. Implementation of Court Orders: The AAL should monitor the implementation of the court's orders and appropriately address any noncompliance in a timely manner.

E. Appellate Advocacy

1. Decision to Appeal: The AAL should consider whether it is in the best interest of the child to appeal a final appealable issue in the case with consideration to the specific issue or issues to be appealed and whether there are other means to achieve the desired outcome. In making this determination the AAL should consult the

appellate AAL, the AAL program Director and/or AAL Program Assistant Director. The AAL, giving consideration to whether temporary orders are appropriate, or whether extraordinary writs are necessary to protect the interest of the child during the pendency of an appeal, should take all steps necessary to timely refer the case to the appellate AAL or in the alternative, should perfect the appeal himself or herself.

2. Participation in Appeal: When an appeal is filed, whether by the AAL or another party, the AAL should fully participate in or request an appellate attorney be assigned to the appeal in accordance with the policies of the AAL Program.
3. Communication with Client: The AAL should:
 - a. Explain to the client in a developmentally appropriate manner the appellate process, including the effect of an appeal on the status of the case at the circuit court level;
 - b. Advise the client about the findings on appeal; and,
 - c. Ensure the caretakers of the child are made aware of the status of the appeal and its conclusion.

F. Cessation of Representation

1. Duration of Representation: The AAL shall remain the attorney of record on the case until the circuit court has closed the case or until another AAL has been appointed by the Court.
2. Substitution of Attorney of Record: In the event that the AAL ceases to be employed or contracted with the AOC, the AAL will ensure that all open files are transferred to the new AAL in a timely manner, or in the event a new AAL has not yet been hired or contracted, the files should be provided to the AAL Program Director, Assistant Director or their designee. The new AAL will be responsible for filing an Entry of Appearance and obtaining an order reflecting the substitution of counsel.
3. Clients who Age Out of Foster Care: In the event that a youth has aged out of the foster care system, but chooses to return to the jurisdiction of the court for services or to re-enter foster care, the AAL of record at the time the case was closed shall advocate for the case to be reopened for the youth. In the event that the AAL of record at the time the case was closed is no longer providing AAL services for the AOC, the former AAL should assist the youth in contacting the current AAL for the area or the AAL Program Director or Assistant Director.

G. Professional Development

1. Training and Education: The AAL should continually strive to enhance their knowledge and expertise in all aspects of child welfare law. To that end, AALs should participate in ongoing training opportunities related to child welfare and stay abreast of state and national issues related to representing children in child welfare matters.
2. Mentoring: The AAL should seek out advice and assistance from others who have extensive experience in representing children in dependency-neglect cases. As the AAL gains expertise in the field, they should take opportunities to share their experience and offer assistance to other AALs.

Appeal Policy for AAL Program

“Trial counsel, whether retained or court-appointed, shall continue to represent his/her client in a dependency-neglect case throughout any appeal to the Arkansas Supreme Court or Arkansas Court of Appeals, unless permitted by the trial court or appellate court to withdraw in the interest of justice or for other sufficient cause . . . After the notice of appeal has been filed with the Circuit Clerk, the appellate court shall have exclusive jurisdiction to relieve counsel and appoint new counsel.” Rule 6-10(a) of the Rules of Appellate Procedure – Civil

It is the policy of the Attorney Ad Litem Program and a responsibility set out in Administrative Order 15.1 that a response shall be filed by the Attorney Ad Litem of record for all appeals in Dependency/Neglect cases.

The AAL may retain responsibility for representing the client’s best interest on appeal or the AAL may request an appellate attorney ad litem. Under Arkansas Supreme Court Rule 6-10(e), the AAL is not substituted as counsel until an entry of appearance is filed with the Supreme Court Clerk. Until an entry of appearance is filed, the trial AAL remains responsible for representing the client’s best interest on appeal.

To request assignment of an appellate attorney ad litem:

1. For cases in which the AAL would like assistance of the appellate AAL to initiate an appeal, the AAL should immediately contact the AAL Program Director and/or Assistant Director to make the request. The AAL Program Director and/or Assistant Director may schedule a meeting to include the AAL and the appellate AAL to discuss the case and issues for which appeal is being requested. Time is of the essence as there is limited amount of time in which an appeal may be lodged.
2. For cases in which the AAL would like assistance of the appellate AAL in responding to an appeal initiated by another party, the AAL should contact the AAL Program Director and/or Assistant Director immediately upon receipt of the notice from the Supreme Court Clerk that the appeal has been filed. To ensure assignment of the appellate AAL, this request should be made within 24 hours of receipt of the notice from the Supreme Court Clerk. Time is of the essence. After the record is lodged, the appellant will have 30 days in which to file a brief. The appellate AAL must enter an appearance before the appellant’s brief is filed otherwise the AAL at trial will receive the appellant’s brief.
 - a. Although the Supreme Court Clerk’s Office currently notifies the AAL Program appellate attorney rather than the AAL when an appeal is brought by the Public Defender Commission (and sometimes by other counsel), the AAL should not rely on this practice. The AAL should follow each case in which a Notice of Appeal has been filed at the trial court level to ensure that the child is represented on appeal either by the appellate attorney or by the AAL.

- b. **Anytime the AAL receives a notice from the Supreme Court Clerk and does not plan to represent the juvenile on appeal, the AAL should immediately request appellate assistance as outlined above.**
- 3. After assignment of an appellate AAL, an entry of appearance will be filed with the Supreme Court Clerk.
- 4. **At all stages of the appeal, you must cooperate with the appellate AAL to advocate for the child's best interest on appeal.**
- 5. **Substantial, rather than strict compliance with these rules is required.** The goal is to promote communication between the trial and appellate AAL. History indicates that a more flexible system, rather than one with rigid timelines works best in most cases. The AAL Program reserves the right when any particular trial AAL abuses this system to require compliance with specific timelines.

If the AAL needs any other assistance, i.e. proofreading, legal research, etc., or has any other questions regarding the appeal process, please contact either the AAL Program Director or Assistant Director as promptly as possible.

If a no merit brief is filed by the Appellant, the AAL has the option of responding by filing a no merit letter with the court. See attached form letter.

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

CASEY D. COPELAND

PLAINTIFF

vs.

CASE NO.

**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 CASEY D. COPELAND

CASEY D. COPELAND hereby declares:

1. I am over the age of 21, competent to make this declaration, and have personal knowledge of the matters set out in this declaration.
2. I make this declaration in support of my Complaint and Motion for Preliminary Injunction and Declarative Relief (the "Motion") in the captioned case.
3. I am an attorney in good standing and licensed in the State of Arkansas since 2005. I am a child welfare law specialist, as certified by the National Association of Counsel for Children Child Welfare Law.
4. From 2011 to 2017 I was an Alderman for the city of Prairie Grove, Arkansas.



5. Since 2012, I have had either a professional contract with or been employed by the Arkansas Administrative Office of the Courts (“AOC”) to provide attorney *ad litem* (“AAL”) representation for children involved in dependency neglect proceedings.

6. Since 2017, I have been a part-time contractor with AOC. My yearly contracts have been routinely renewed. At the time of my contract termination on April 1, 2020, I had a part-time contract with AOC. The term of this contract was from July 1, 2020 to June 30, 2021. An accurate copy of my contract is attached to the Complaint as Exhibit 1.

7. I fully expected to complete my 2020-2021 contract and, based upon my prior course of dealing with AOC, I fully expected my contract to be renewed for the 2021-22 year and subsequent years.

8. In addition to my contract work for AOC, I also serve as attorney *ad litem* for children in domestic relations and probate cases by court appointment. Payment for these services is made by AOC pursuant to court order. I do not have, nor am I required, to have a contract with AOC to provide these individual court-ordered *ad litem* services.

9. No member of the AOC administrative staff has ever communicated to me, nor am I aware of, any questions or concerns concerning my provision of services in accordance with the requirements of my contract and in accordance

with the AOC Dependency-Neglect Attorney Ad Litem Program (“DNAALP”) Policy and Procedure Manual.

10. In fact, on December 10, 2020, my professional services to AOC’s DNAALP were expanded to include representing minors in dependency and neglect cases on appeal. *See* Exhibit 1 to Complaint at p. 7-8.¹

11. I never received any complaints or concerns from Defendant McDonald nor any other member of AOC’s administrative staff concerning the performance of my professional services nor my compliance with the DNAALP policies and procedures, as set forth in the program manual.

12. I am a part-time contractor and not an employee of AOC. I am not required to abide by the provisions of the AOC Employee Manual. I do not even have a copy of it. However, I do abide by the policies and procedures of the DNAALP Policies and Procedures Manual. There is nothing in the manual concerning, much less prohibiting, emails or other forms of communication with an AAL designation and AOC website.

13. On March 30, 2021, I sent a private email to Representative Charlene Fite, my representative in the Arkansas General Assembly, using my personal Gmail account and not the email system of AOC. The email criticized her sponsorship of HB1570, which denies certain medical treatment to transgender

¹ A copy of the contract is also attached at Exhibit 1 to the Motion.

children. A copy of this email is attached as Exhibit 2 to the Complaint.² I wrote her as one of her constituents on a matter of public concern. At the time I wrote the email to Fite, HB1570 was controversial and the subject of wide debate and news reporting both in Arkansas and nationally. My email was sent to her about 2:41 P.M on March 30, 2021.

14. Representative Fite and I are personally acquainted with each other. In 2018, I opposed her in the election to represent our district in the House of Representatives. In addition, I have previously corresponded with her about other matters of public concern. To my knowledge, these emails to her generated no adverse reaction on her part. No member of AOC staff ever suggested to me that such communications were inappropriate in any respect.

15. On January 12, 2019, I wrote a letter followed by an email to Fite concerning legislation I suggested she might want to sponsor. Exh 14 to Motion. She forwarded this letter to Janet Bledsoe but neither she nor anyone at AOC communicated any negative reaction to it to me. No member of AOC staff ever suggested to me that there was anything inappropriate about this communication.

16. I intended my March 30, 2021 email to Representative Fite to be a private communication. When I sent the email, I did not share it with anyone, nor tell anyone that I had written it. I did not send the email to anyone else but

² A copy of my email is also attached as Exhibit 2 to the Motion.

Representative Fite. Before my contract was terminated, I informed no one that I had written it.

17. I work out of my home office in Prairie Grove. I individually represent clients—children who are involved in dependency-neglect proceedings.

18. In the two days after I sent the email and prior to my termination, there was no impediment to my delivery of professional services, nor any disharmony among my colleagues.

19. On March 30, 2021, I received copies of three email messages which showed that earlier that day and the same day she received my email to her, Representative Fite had forwarded a copy of it to Defendant Sullivan; Sullivan had forwarded the email to AOC's Director of Human Resources, Sam Kaufman; Director of Juvenile Division, Jennifer Cruan; and Defendant McDonald with the additional comment: "This isn't helpful, at all." McDonald, in turn, forwarded the above three email messages to me. Accurate copies of these email messages are attached to the Complaint filed in this action as Exhibit 3, collectively.

20. On April 1, 2021, I received a letter from Defendant McDonald, which informed me that my AOC contract was terminated effective April 30, 2021. An accurate copy of this letter was attached to the Complaint as Exhibit 4.³

21. Documents I received in response to my Freedom of Information Act

³ An accurate copy of the letter is also attached as Exhibit 4 to the Motion.

request, dated April 7, 2021 reveal that at 4:14 P.M. on March 30, 2021, less than two hours after she had received my email, Representative Fite sent a copy of it to Staff Attorney Brooke Steen [Exh. 5 to Motion] and at 4:16 P.M., she sent a copy to Sullivan with the subject “Email received today from attorney ad litem.” [Exh. 6 to Motion] She also sent a text with a screenshot of the email to DNALL Assistant Director Janet Bledsoe, with the comment, “Should ad litem info be on email of this nature?” An accurate copy of this text message is attached as Exhibit 9 to the Motion. At 4:20 P.M., Sullivan forwarded the email to Kauffman, Defendant McDonald, and Cruan, with comment “This isn’t helpful at all.” [Exh. 3 to Complaint.] At 4:27 P.M., less than two hours after I had sent my email to Representative Fite, Defendant Sullivan emailed Defendant McDonald, Brooke Steen, Kristin Clark, Kauffman and Cruan, with the query, “Sam, terminate contract?” [Exh. 7 to Motion.]

22. After discussion among Defendants Sullivan and McDonald and others on April 1, 2021 at 3:33 P.M. [Exh. 12 to Motion.], at 4:03 P.M. McDonald notified me of the termination. [Exh. 4 to Complaint.]

23. Prior to the termination of my contract, I was not given any reason for the termination by Defendants or any member of the AOC administrative staff. Although I offered to participate in an exit interview, this was declined and my attempts to obtain an explanation for my termination were rebuffed. I have never

received any explanation for my termination.


24. Documents obtained in response to my Freedom of Information Act request also show that Fite forwarded my January 12, 2019 letter to her to Bledsoe stating that AOC might want to sponsor my suggested legislation but declining sponsorship herself. Both the letter and follow-up email contained virtually the same AAL and website citation as the March 30, 2021 email; however, no member of AOC staff ever suggested to me that this was inappropriate.

25. The termination of my contract has not only resulted in taking away a significant portion of my work as an attorney but also a significant portion of my income.

26. Based on the timing of my termination and the communications I had with AOC and the communications among AOC staff and with Fite, that I discovered in the response to my April 7, 2021 Freedom of Information Act request, my termination by Defendant McDonald was done at the behest of Defendant Sullivan and instigated by Representative Fite in retaliation for my negative email to her on an issue of public concern about her actions as my state representative as a sponsor of HB1570.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.**

Executed this 26th of May, 2021, at Prairie Grove, Arkansas.
(city)



Casey D. Copeland