



# THE BENTON COUNTY BAR JOURNAL

MONTHLY NEWS PUBLICATION OF THE BENTON COUNTY BAR ASSOCIATION

FEB 2015

<http://bentoncountybar.webs.com>



Benton County Bar Association | [bentoncountybar@gmail.com](mailto:bentoncountybar@gmail.com)

## NEXT MEETING:

**Thursday, Feb. 5th  
11:30 a.m.**

## NEW VENUE:

**Texas Land and Cattle**

Pinnacle Hills Promenade,  
2103 S. Promenade Blvd,

Lunch w/ drink is \$16.00  
(tax inclusive) and begins at  
11:30 a.m.

## PROGRAM:

Our one-hour CLE is titled "Collaborative Law - Beyond Winning" and will be presented by David Tracy. Please arrive early to get your lunch and get seated so that the CLE can begin and end on time.

## COMING IN MARCH:

The March one-hour CLE will be hosted by Mercy Hospital (at Mercy Hospital) and will be an hour Ethics credit.

**Deadline for the  
March Bar Journal  
Friday, Feb. 20th**

## Presidents Corner

**By Acacia Wright Stinnett**

Happy New Year! I want to first thank Judge and Representative Scott for opening their home and once again hosting the BCBA Christmas party. We had a good turnout and enjoyed catching up with fellow bar members.

As you are all aware, the Benton County Courthouses are now enforcing policy on searching all individuals who enter the courthouse. This is not a new policy. Please be respectful to the deputies who are merely doing their jobs. I have included the policy in this journal for your benefit (pgs. 4-6).

There is a Domestic Relations Counsel meeting at Theo's in Rogers on February 5th at 4:30. All of the judges have requested this time to catch the local bar up on information and changes to procedure. I would highly encourage everyone who does domestic relations work to make this a priority. The Ad Litem Counsel had the opportunity to attend a similar meeting with the judges and it was very successful.

Acacia Wright Stinnett  
BCBA President

## About our Speaker

David A. Tracy At A Glance: Mr. Tracy has practiced law in Tulsa for 29 years. His practice is focused on family law litigation, family mediation, collaborative family law, family law appeals. He is a qualified family law mediator under the Oklahoma District Court Mediation Act.

Legal group affiliations include the American Academy of Matrimonial Lawyers, the International Academy of Collaborative Professionals, the Oklahoma Academy of Collaborative Professionals, the Oklahoma Bar Association (Family Law Section chair 2000), and the Tulsa County Bar Association (Family Law Section chair 1994-1995).

His community involvement includes serving on the boards of the Oklahoma Academy of Collaborative Professionals, Riverfield Country Day School and the University of Tulsa College of Law Alumni Association.

Mr. Tracy received his B. S. Degree in Radio-TV-Film, News and Public Affairs, from Oklahoma State University in 1976, and his J.D. degree from the University of Tulsa in 1983.

## PLEASE ATTEND THE DOMESTIC RELATIONS COUNSEL INFORMATION MEETING

**When:** February 5, 2015 at 4:30

**Where:** Theo's in Rogers

**Who:** Judges Duncan, Schrantz, Scott, and Smith

**Why:** To discuss the service of ad litem, what is expected, and a general discussion between the judges and the attorneys on Domestic Relations matters.

**Questions? Please call Acacia Wright Stinnett (479) 657-6950.**



## Judges' Calendars

The Courthouse will be closed February 16th for President's Day.

### Judge Karren

Please call for the Judge's schedule.

### Judge Duncan

Because of scheduled trials, please call ahead for defaults.

### Judge Smith

The Judge will be in.

### Judge Green

Please call for the Judge's Schedule.

### Judge Schrantz

The Judge will be in.

### Judge Scott

February 5 and 6  
February 19 and 20

## BCBA EXEC. COMMITTEE

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## BAR JOURNAL

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## Closed Domestic Relations Files With Review Hearings Set

The Circuit Clerk closes Domestic Relations files when an Order is entered which touches on the issues before the Court. If the Order provides for a Review Hearing, the file is still closed, prohibiting the filing of subsequent pleadings without paying a reopen fee. If the parties' settlement includes a review hearing, or if the Court orders that a review hearing to be held in the future, the Order entered will need to contain explicit language instructing the Circuit Clerk to accept subsequent pleadings relevant to the review issues without charging a reopen fee. This provision is not meant to allow parties to file pleadings raising new issues between the entry of the Order and the review hearing. If the word "Temporary" is in the heading of the Order, the Circuit Clerk will not close the file.

Judge Scott

## Judges Needed for UA School of Law Client Counseling

The Board of Advocates is proud to be hosting the 2015 Regional Client Counseling Competition. This is a unique one-day competition to be hosted on Saturday, February 7th, 2015. We are in need of legal talent to judge the competitors! Time slots are available for the morning preliminary rounds or afternoon semifinal rounds. Lunch and refreshments will be provided. To sign up, please take this link <http://attend.com/LawBoAREgionalClient> or contact Jady Cleveland at [jcclevel@email.uark.edu](mailto:jcclevel@email.uark.edu) or Chloe Fackler at [cfackler@email.uark.edu](mailto:cfackler@email.uark.edu).

We appreciate everyone's time and help in making this regional competition a success!

**See attached letter (p. 7) for more details!**

## Domestic Relations Attorney Ad Litem Worksheet

From Judge Schrantz: As an attachment to this newsletter you will see a worksheet suggested for use by attorney ad litem representing children in domestic relations cases. The purpose of the worksheet is to establish a minimum reference of contacts and work expected of AALs in these cases. Use of this worksheet may also provide a mechanism for reporting to the Court.

It may not be necessary to perform each task on the worksheet in every case. For instance, the standard of housing may not be an issue in every case. AALs and parent counsel are encouraged to communicate with the Court if housing or other matters are not issues prior to trial.

The Judges will be discussing the use of retainer fees to be paid by parent to AALs at the time of appointment in the near future. Private pay is necessary to stretch the dollars now budgeted by the state and the county for AALs. So, expect to see use of partial or full private pay for AALs. Comments from AALs or parent counsel are invited.

## Welcome Rebecca!

Division 6 is pleased to announce the addition of Rebecca Strodman to our court as court orders clerk, effective January 5. Welcome Rebecca! As of January 2, Mary Layton will replace Chea Ball as trial court assistant, and Chea Ball will replace Darlene Young as court reporter. Thanks to everyone who came to Darlene's party and wished her well on her retirement. It was greatly appreciated.

## 2015 Process Servers

Please note that attached is an updated 2015 list of Process Servers in Benton County (p. 3) for your reference.

| <i>Name</i>               | <i>Process Server #</i> | <i>Telephone #</i>  | <i>Expiration Date</i> |
|---------------------------|-------------------------|---------------------|------------------------|
| <i>Gary Swearingen</i>    | <i>BPS-1993-5</i>       | <i>479-251-7110</i> | <i>12-31-15</i>        |
| <i>Douglas Vanscoy</i>    | <i>BPS-1996-3</i>       | <i>479-381-5103</i> | <i>12-31-15</i>        |
| <i>James K Miller</i>     | <i>BPS-1997-2</i>       | <i>479-442-7585</i> | <i>12-31-15</i>        |
| <i>Herbert Parton</i>     | <i>BPS-1998-9</i>       | <i>479-876-7247</i> | <i>12-31-15</i>        |
| <i>Connie Haney</i>       | <i>BPS-1999-2</i>       | <i>479-640-2729</i> | <i>12-31-14</i>        |
| <i>Derba Woodhouse</i>    | <i>BPS-2001-3</i>       | <i>479-502-1452</i> | <i>12-31-15</i>        |
| <i>David Cook II</i>      | <i>BPS-2002-6</i>       | <i>479-685-9319</i> | <i>12-31-15</i>        |
| <i>Gary Greenhaw</i>      | <i>BPS-2002-10</i>      | <i>479-756-1189</i> | <i>12-31-15</i>        |
| <i>Frankie E Hart</i>     | <i>BPS-2003-11</i>      | <i>479-640-2493</i> | <i>12-31-15</i>        |
| <i>Chuck Gay</i>          | <i>BPS-2004-3</i>       | <i>479-925-1612</i> | <i>12-31-15</i>        |
| <i>Lanna Cook</i>         | <i>BPS-2004-9</i>       | <i>479-715-2500</i> | <i>12-31-15</i>        |
| <i>Harold F Guildi Jr</i> | <i>BPS-2004-10</i>      | <i>479-601-5488</i> | <i>12-31-15</i>        |
| <i>Stephen Moore</i>      | <i>BPS-2004-12</i>      | <i>479-936-0865</i> | <i>12-31-15</i>        |
| <i>Steven Mankin</i>      | <i>BPS-2006-8</i>       | <i>479-621-7867</i> | <i>12-31-15</i>        |
| <i>James Swearingen</i>   | <i>BPS-2006-12</i>      | <i>479-530-2302</i> | <i>12-31-15</i>        |
| <i>Keith H Smith</i>      | <i>BPS-2008-1</i>       | <i>479-228-4176</i> | <i>12-31-15</i>        |
| <i>Jody Cody Victor</i>   | <i>BPS-2008-8</i>       | <i>479-586-5252</i> | <i>12-31-15</i>        |
| <i>Kristy Victor</i>      | <i>BPS-2009-10</i>      | <i>479-426-7675</i> | <i>12-31-15</i>        |
| <i>Roger White</i>        | <i>BPS-2009-13</i>      | <i>479-313-0646</i> | <i>12-31-15</i>        |
| <i>Martin J Spaeth</i>    | <i>BPS-2011-1</i>       | <i>479-621-3095</i> | <i>12-31-15</i>        |
| <i>Aaron Hart</i>         | <i>BPS-2011-12</i>      | <i>479-721-3215</i> | <i>12-31-15</i>        |
| <i>Gary Trammel</i>       | <i>BPS-2012-5</i>       | <i>479-970-5598</i> | <i>12-31-15</i>        |
| <i>Daniel J Coulombe</i>  | <i>BPS-2012-8</i>       | <i>541-701-8562</i> | <i>11-20-15</i>        |
| <i>Paul Donald</i>        | <i>BPS-2013-1</i>       | <i>479-631-5694</i> | <i>12-31-15</i>        |
| <i>Fred Myers</i>         | <i>BPS-2013-2</i>       | <i>501-376-2300</i> | <i>04-16-15</i>        |
| <i>Andrew Myers</i>       | <i>BPS-2013-3</i>       | <i>501-376-6266</i> | <i>04-16-15</i>        |
| <i>Karen May</i>          | <i>BPS-2013-8</i>       | <i>479-879-3642</i> | <i>04-08-15</i>        |
| <i>Nicole Bucklew</i>     | <i>BPS-2013-10</i>      | <i>573-268-0742</i> | <i>12-31-15</i>        |
| <i>Chuck Gordon</i>       | <i>BPS-2013-12</i>      | <i>501-888-5706</i> | <i>07-08-15</i>        |
| <i>Billy Turnbough</i>    | <i>BPS-2013-16</i>      | <i>479-790-1181</i> | <i>05-05-15</i>        |
| <i>Laura Presnell</i>     | <i>BPS-2013-18</i>      | <i>479-530-8871</i> | <i>12-02-15</i>        |
| <i>David Coy Cook III</i> | <i>BPS-2013-21</i>      | <i>479-715-3217</i> | <i>12-31-15</i>        |
| <i>Keith A. Lawson</i>    | <i>BPS-2014-3</i>       | <i>479-582-3660</i> | <i>02-28-15</i>        |
| <i>James Bassham</i>      | <i>BPS-2014-4</i>       | <i>479-790-0357</i> | <i>02-18-15</i>        |
| <i>Daniel Miller</i>      | <i>BPS-2014-5</i>       | <i>479-270-4301</i> | <i>03-11-15</i>        |
| <i>Bobbi Rudd</i>         | <i>BPS-2014-6</i>       | <i>870-221-3348</i> | <i>05-05-15</i>        |
| <i>Joseph Miller</i>      | <i>BPS-2014-7</i>       | <i>479-621-3411</i> | <i>05-20-15</i>        |
| <i>Susan Baxter</i>       | <i>BPS-2014-8</i>       | <i>870-613-4753</i> | <i>12-05-15</i>        |
| <i>Sherry Bogan</i>       | <i>BPS-2014-9</i>       | <i>479-200-6769</i> | <i>06-11-15</i>        |
| <i>Adam Crites</i>        | <i>BPS-2014-10</i>      | <i>479-957-4195</i> | <i>08-01-15</i>        |

## 512 Screening

1. All persons entering Benton County courthouses shall go through a screening process for weapons and/or contraband. Exceptions would be county, city, state and federal law enforcement officials;

- Circuit Judges
- Prosecuting Attorney
- Deputy Prosecuting Attorneys

Note: Private Attorneys and Public Defenders shall be allowed to proceed to the front of any line occupied by courthouse visitors, so they may be screened and processed for passage into the courthouse facilities.

2. Screening will be accomplished by use of:

- Magnetometers (Metal Detectors)
- Handheld Metal Detectors
- Visual Observation and Inspection

## 513 Methods of Screening

1. The Courthouse Security Deputy monitoring the walk-through metal detector will be alert for visual and audio signals given by the machine when metal is detected. When metal is detected, the individual will be requested to place all metal items into the provided container. The individual will be asked to step back through the metal detector. This process will continue until the individual can pass without activating the metal detector, or the Courthouse Security Deputy determines that screening with the handheld metal detector is appropriate. The screening process will continue until all metal items are clearly identified.
2. Items prohibited from being allowed into the Courthouse Building and Annex Building are: Firearms, knives, (no matter what size), metal nail file, screwdriver, scissors, hammer, sheetrock cutting tool, razor blades, any form of chemical spray (example O.C., mace, etc), leather man, or any other sharp and/or blunt object that can be used as a weapon to cause serious physical injury or death to a human being.
3. If the walkthrough metal detector and the handheld metal detector are ineffective, the courthouse security deputy may conduct a pat down search of the individual. Failure to consent or comply with the search(es) as described will result in the individual being denied access to the courthouse.

4. If a member of the public, prior to entering the walkthrough metal detector notifies the Courthouse Security Deputy that he/she is carrying a firearm/weapon, the Courthouse Security Deputy will confirm the individual has legal authority to carry the weapon.
5. If the individual has legal authority to carry the weapon, the Courthouse Security Deputy will advise the individual that firearm/weapon are prohibited in the courthouse. The individual will be instructed to secure the firearm/weapon elsewhere before being admitted into the courthouse.
6. If the individual has no legal authority to carry the weapon, the individual will be detained and the firearm/weapon will be confiscated. The Courthouse Security Deputy will immediately contact the on-duty Field Deputy to respond to the scene. The on-duty Shift Supervisor will also be contacted and advised of the situation.
7. If the individual passes through the metal detector into the courthouse carrying a firearm/weapon, the individual will be detained and the firearm/weapon will be confiscated. The Courthouse Security Deputy will immediately contact the on-duty Field Deputy to respond to the scene. The on-duty Shift Supervisor will also be contacted and advised of the situation.
8. Individuals in wheelchairs or baby carriages, on crutches or wearing metal braces, casts or prosthetic aids, etc. must be carefully screened. Use good judgment and be courteous, but conduct a thorough and complete screening process utilizing the handheld metal detector and/or a physical search. An individual could attempt to use one of the above methods to smuggle firearm/weapon or contraband into the courthouses.
9. Individuals in wheelchairs will be asked if they are able to stand without assistance. Under no circumstances will an individual who states they are unable to stand be asked to stand or offered assistance to stand for the purpose of screening.
10. Individuals in wheelchairs or baby carriages, on crutches or wearing metal braces, casts or prosthetic aids, etc., shall be individually screened and then be escorted through or around the screening area. Failure to consent to the search will result in the individual being denied access to the courthouse.

**514 Authorization to Carry Weapons into Courthouse Facilities**

1. Only certified Law Enforcement Officials and Federal Law Enforcement Officials will be allowed to carry firearms into the Benton County Courthouse, Courthouse Annex, Tucker Building, and Administrative Building.
2. Law Enforcement Officials that are litigants shall not be allowed to carry firearms into Benton County Court Facilities and may be required to pass through the screening process.

**515 Walk-Through and Perimeter Searches**

1. **Prior to Opening:** A walk-through search of all secured and non-secured areas including public lobbies will be conducted prior to opening the courthouses to the employees and public. In addition, an outside perimeter search of both courthouses will be conducted at the beginning business hours for any security breaches, suspicious activities or persons, vehicles, and contraband. Suspicious vehicles left unattended or abandon for an extended period of time will be checked for registered owners and a determination made why the vehicle is located near the courthouses. All discrepancies or emergencies will be reported to the Field Supervisor immediately.
2. **After Closing:** A walk-through search of all secured and non-secured areas including public lobbies will be conducted after closing the courthouses at the end of business hours. A walk-through will ensure that no unauthorized individuals are still in the courtrooms, office spaces, and/or restrooms. In addition, an outside perimeter search of both courthouses will be conducted at the end of business hours for any security breaches, suspicious activities or persons, vehicles, and contraband. All discrepancies or emergencies will be reported to the on-duty Shift Supervisor immediately.
3. **After Hours:** Court proceeding(s) extending after hours will require walk-through building searches and perimeter searches until the conclusion of the court proceeding(s).
4. **Special Events:** Conducted after hours or on weekends will require walk-through building searches and perimeter searches until the conclusion of the special events.

Dear Members of the Benton County Bar Association,

The University of Arkansas School of Law is hosting the ABA Law Student Division Client Counseling Competition on ***Saturday, February 7th, 2015***. This year we are hosting 12 teams from Arkansas, Oklahoma, Missouri, and Colorado!

Your help would really contribute to the success of this competition. For each time slot, we are recruiting two attorney-judges and one member of the counseling profession (broadly defined) to judge competitors on their fact finding as well as their soft skills in conducting a client interview.

This is a different kind of competition than our moot court and trial competitions. The client counseling competition simulates a law office consultation in which student lawyers conduct an interview with a “client.” Following the interview, the student-lawyers explain how they would proceed further in the hypothetical situation. It does require a time commitment on the day of the competition but minimal preparation (beyond what you already know from meeting clients in your practice).

We need a larger number of judges in the morning rounds, as we will be filling 12 interview rooms. In the afternoon, we will be filling three interview rooms. The ABA has also recommended that we recruit standby judges. In recognition of your commitment of time and talents, we will be serving breakfast and lunch at the competition. In addition, we are hosting a judges’ VIP reception at Hog Haus on Dickson the night before (Friday, February 6th, 2015, at 5:30 p.m.). As the competition gets a little closer, we will send you additional information and instructions.

1. Preliminary Rounds from *9:00 a.m. to 12:05 p.m.*:  
30 minute prep; **three** 45 minute rounds; 10 minute breaks between rounds (same client, different student-attorneys)
2. Semifinal Rounds from *1:00 p.m. to 3:00 p.m.*:  
**Two** 45 minute rounds; 15 minute breaks between rounds (same client, different student-attorneys)

We hope you are interested and available to judge the Regional Client Counseling Competition. It is our hope to fill in our judge schedule by Saturday January 31, 2015. At your earliest convenience, please **contact the BOA Client Counseling Co-Chairs Chloe Fackler and Jadyn Cleveland at [cfackler@email.uark.edu](mailto:cfackler@email.uark.edu) or [jclevel@email.uark.edu](mailto:jclevel@email.uark.edu)**. You can also sign up directly at this live link which will generate an automatic confirmation for you. <http://attend.com/LawBoARegionalClient>

Thank you for your time and cooperation. We really appreciate it and look forward to your participation. We could not run a successful competition without your help.

Sincerely,

Chloe Fackler, BOA Regional Client Counseling Competition Co-Chair  
Jadyn Cleveland, BOA Regional Client Counseling Competition Co-Chair

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

|  |           |
|--|-----------|
|  | PLAINTIFF |
|--|-----------|

vs. CASE NO. \_\_\_\_\_

|  |           |
|--|-----------|
|  | DEFENDANT |
|--|-----------|

|                       |  |
|-----------------------|--|
| Attorney Ad Litem:    |  |
| Plaintiff's Attorney: |  |
| Defendant's Attorney: |  |

|    |                                      |                      | DATE(S)/TIME(S)    |
|----|--------------------------------------|----------------------|--------------------|
| 1. | Initial contact with:                | Plaintiff's attorney |                    |
|    |                                      | Defendant's attorney |                    |
|    |                                      |                      |                    |
| 2. | Met with Plaintiff:                  |                      |                    |
|    |                                      |                      |                    |
| 3. | Met with Defendant:                  |                      |                    |
|    |                                      |                      |                    |
| 4. | Met with client(s):                  |                      |                    |
|    | a.                                   | With Plaintiff:      |                    |
|    |                                      |                      |                    |
|    | b.                                   | With Defendant:      |                    |
|    |                                      |                      |                    |
| c. | Alone:                               |                      |                    |
|    |                                      |                      |                    |
| 5. | Home Visits                          |                      |                    |
|    | a.                                   | Plaintiff:           |                    |
|    |                                      |                      |                    |
| b. | Defendant:                           |                      |                    |
|    |                                      |                      |                    |
| 6. | Contact with teacher(s):             |                      |                    |
|    |                                      |                      |                    |
|    | a.                                   | Obtained records:    | _____ YES _____ NO |
|    |                                      |                      |                    |
| 7. | Contact with healthcare provider(s): |                      |                    |
|    |                                      |                      |                    |
|    | a.                                   | Obtained records     | _____ YES _____ NO |
|    |                                      |                      |                    |

|    |  |                    |
|----|--|--------------------|
| 8. | Contact with counselor(s):               |                    |
|    |  |                    |
| a. | Obtained records                         | _____ YES _____ NO |
|    |  |                    |
| 9. | Contact with others who impact client(s) |                    |
|    |  |                    |

\_\_\_\_\_  
 \_\_\_\_\_ (name), Attorney Ad Litem  
 Dated: \_\_\_\_\_