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OFFICE OF THE
SECRETARY

SECRETARIAL DIRECTIVE

SUBJECT: Processing of Lawsuits

SUPERSEDES: ADC AD 13-176

NUMBER: 2026-02

APPLICABILITY: All Employees of the Arkansas Department of Correction and Post Prison Transfer Board. Arkansas Sentencing Commission Employees are excluded from this policy.

REFERENCE:

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APPROVED: Original Signature on File

EFFECTIVE DATE: 3/11/2026

I. POLICY

- A. The Secretary of Corrections (Secretary) is the executive head of the Arkansas Department of Corrections (DOC) and is responsible for the administration of DOC rules, orders, and directives.
- B. The purpose of this directive is to ensure that the Attorney General’s Office and appropriate DOC personnel are promptly notified when the DOC, its divisions, or DOC Employees are sued in connection with DOC business.
- C. All lawsuits and related court papers covered by this directive shall be processed in accordance with the procedures below so that response deadlines are not missed and the DOC’s legal interests are protected.

II. DEFINITIONS AS USED IN THIS POLICY

- A. Complaint (Lawsuit). For this directive, “Complaint” means a civil pleading filed in a court that starts or continues a lawsuit, such as a Complaint, Petition, or Amended Complaint. It does not mean inmate grievances, PREA reports, HR complaints, or other internal complaints.
- B. Compliance Office. The Board of Corrections Compliance Office, which logs and tracks lawsuits and is the primary internal contact point for service of lawsuits covered by this directive.
- C. Decision-Making Supervisor. An individual over the daily operations and decision-making processes of any Department owned or operated Entity including the Secretary, Chief of Staff, Division Directors, Deputy Directors, Wardens, Area Managers, Assistant Area Managers, Administrators, or their designee.

- D. DOC Facility. Any location owned, leased, operated, or controlled by the Department of Corrections. This includes prisons, community correction centers, offices, administrative buildings, training sites, and any other worksite where Employees perform job duties.
- E. Employee. Any DOC, Arkansas Division of Correction (ADC), Division of Community Correction (ACC), or Post Prison Transfer Board employee. Arkansas Sentencing Commission employees are excluded from this policy.
- F. Inmate Lawsuit. A lawsuit filed by a current or former inmate that names Employees in their official or individual capacity, including lawsuits under 42 U.S.C. § 1983 and state-court civil actions.
- G. Personnel-Related Lawsuit. A lawsuit that arises out of DOC employment or DOC business (such as hiring, firing, discipline, workplace conduct, or employment decisions) and that names any Employee in their official or individual capacity.
- H. Service of Process (Service). The legal delivery of a Complaint and related papers to a party or to an authorized agent under the Arkansas or Federal Rules of Civil Procedure. Service may occur by mail, by a process server, by a sheriff's deputy, by a U.S. Marshal, or by other methods allowed by law.

III. PROCEDURES:

A. General Rules

1. Any Employee who receives service of a Complaint or other court papers in a lawsuit that may involve DOC business shall treat it as urgent.
2. The Employee shall not ignore, discard, or delay forwarding court papers. Failure to act can result in a default judgment or other adverse ruling against DOC or the Employee.
3. If an Employee is unsure whether a lawsuit is work-related, the Employee shall still follow this directive and allow the Compliance Office and DOC Legal Counsel to decide how to handle it.

B. Personnel-Related Lawsuits (Non-Inmate)

1. Service on Employees. Any Employee who is personally served with a personnel-related Complaint regarding a work-related matter by U.S. mail, a process server, a sheriff's deputy, or any other method allowed by law, at any location (including at home, a DOC Facility, an office, or in court), shall:
 - a. Immediately notify Employee's Decision-Making Supervisor; and
 - b. No later than the end of Employee's workday or within one (1) business day (whichever is sooner), bring the paperwork to the Compliance Office or email a scanned copy of the complete Complaint and any accompanying summons, envelope, or other court papers to the Compliance Office.
2. Service on the Secretary and Division Directors
 - a. The Compliance Office may accept service of Personnel-Related Lawsuits filed against the Secretary of the DOC and the Directors of ADC and ACC to the extent allowed by law and approved by those officials.
 - b. When the Compliance Office accepts service of a Personnel-Related Lawsuit for the Secretary or a Division Director, the Compliance Office shall:
 - i. Email a scanned copy of the Complaint and summons to the Attorney General's Office; and
 - ii. Email a copy to the DOC Chief Legal Counsel.

3. Logging and Tracking

- a. The Compliance Office shall log and process all Personnel-Related Lawsuits that name DOC, any DOC division, or any current Employee in connection with DOC business.
- b. The log shall, at a minimum, record the date of service known to DOC, the parties named, the court and case number if available, and the date the Attorney General's Office was notified.

C. Inmate Lawsuits

1. Service on DOC or Compliance

- a. Service of Inmate Lawsuits is commonly completed when a U.S. Marshal (for federal lawsuits, including 42 U.S.C. § 1983 actions) or a county process server (for state lawsuits) delivers the Complaint and related papers to the Compliance Office.
- b. When the Compliance Office receives service of an Inmate Lawsuit, it shall:
 - i. Log the lawsuit in the Compliance Office log; and
 - ii. Email a scanned copy of the Complaint, summons, and any accompanying papers to the Attorney General's Office and to the DOC Chief Legal Counsel.

2. Service on Individual Employees

- a. If a current Employee named in an Inmate Lawsuit personally receives service of a Complaint, summons, or other court papers by U.S. mail, a process server, a sheriff's deputy, or a U.S. Marshal at any location, the Employee shall:
 - i. Immediately notify Employee's Decision-Making Supervisor; and
 - ii. No later than the end of Employee's workday or within one (1) business day whichever is sooner), bring the paperwork to the Compliance Office or email a scanned copy of the Complaint, summons, and any accompanying papers to the Compliance Office.
- b. Employees shall not refuse service when approached by a process server, deputy, or U.S. Marshal. Staff should direct the server to the Compliance Office when practical but shall not obstruct or interfere with lawful service.

3. Service at DOC Facilities

- a. Any process server, sheriff's deputy, or U.S. Marshal who comes to a DOC Facility to serve an Inmate Lawsuit on a current Employee should, when feasible, be directed to the Compliance Office as the primary internal point of contact for Inmate Lawsuits.
- b. This routing instruction does not change or limit any method of service allowed by law.

4. Logging and Tracking

- a. The Compliance Office shall log and process all Inmate Lawsuits that name DOC, any DOC division, or any current Employee in connection with DOC business.
- b. The Compliance Office shall promptly notify DOC Legal and the Attorney General's Office of each Inmate Lawsuit.

- D. Other Court Papers Related to Lawsuits
1. If an Employee receives other court papers related to a lawsuit covered by this directive (including amended Complaints, notices of removal, or orders setting deadlines), the Employee shall promptly forward them to the Compliance Office using the same time frames described above.
 2. The Compliance Office shall forward significant new filings or orders to the Attorney General's Office and DOC Chief Legal Counsel as needed.

IV. RECORDS & DOCUMENTATION

- A. The Compliance Office shall maintain a central log and electronic copies of all lawsuits and related court papers covered by this directive.
- B. The log and records shall be retained in accordance with any applicable state records laws.
- C. Copies of email notifications to the Attorney General's Office and DOC Chief Legal Counsel shall be kept with the lawsuit file.