

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA10-841

JACKIE ROBBINS

APPELLANT

V.

DEBBIE ROBBINS

APPELLEE

Opinion Delivered SEPTEMBER 21, 2011

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. DR-05-614-1]

HONORABLE JOHN HOMER
WRIGHT, JUDGE

AFFIRMED

LARRY VAUGHT, Chief Judge

On appeal, Jackie Robbins argues that the trial court erred in its decision awarding attorney's fees against him. The court's fee award followed an unsuccessful custody-modification attempt by Mr. Robbins against his former wife appellee Debbie Robbins. On appeal, Mr. Robbins claims that the trial court erred in granting Ms. Robbins's attorney-fee motion because it was not timely filed.

Mr. Robbins specifically claims that because the motion was filed outside of the requisite fourteen-day time limit and did not contain the requisite statutory basis for granting the fee, the award was beyond the trial court's statutory authority and urges reversal. However, we are unable to reach the merits of his argument because the question is not adequately preserved for our review. The record shows that on May 26, 2010, Ms. Robbins moved for an award of



attorney's fees. Neither the record nor the addendum contain any evidence that Mr. Robbins raised his claim that the motion was untimely by either written or oral response.¹

It is elementary that appellate courts will not consider arguments that were not preserved for appellate review. *Seidenstricker Farms v. Doss*, 374 Ark. 123, 126, 286 S.W.3d 142, 144 (2008). We will not do so because it is incumbent upon the parties to raise arguments initially to the trial court and to give that court an opportunity to consider them. *Id.*, 286 S.W.3d at 144. Otherwise, we would be placed in the position of reversing a trial court for reasons not addressed by that court. *Id.*, 286 S.W.3d at 144.

Because Mr. Robbins did not preserve the “timeliness” argument made on appeal, we cannot consider that argument and must affirm the trial court’s order granting Ms. Robbins’s claim for attorney’s fees.

Affirmed.

HART and GLOVER, JJ., agree.

Jackie Robbins, pro se appellant.

Miller Churchwell, P.L.L.C., by: *Joseph Churchwell*, for appellee.

¹We note that Mr. Robbins’s statement of the case does claim that he filed an “immediate” response objecting to the allegedly groundless and untimely motion, but the record does not support his claim.