
IN RE: RULE 3, RULES OF APPELLATE
PROCEDURE—CIVIL

Supreme Court of Arkansas
Delivered January 28, 1999

PER CURIAM. Rule 3 of the Rules of Appellate Procedure—Civil was amended in 1997 to provide that a notice of appeal is invalid if it does not contain the statement that the transcript has been ordered and financial arrangements have been made with the court reporter. This provision appears in subsection (e) and has proven to be unsatisfactory. We now strike this sentence from subsection (e) as illustrated below. For additional explanation concerning this change, refer to the Court's Comments at the conclusion of the amended rule.

Effective immediately, Rule 3 is so amended, and subsection (e) is republished as amended.

Rule 3. APPEAL — HOW TAKEN

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(e) Content of Notice of Appeal or Cross-Appeal. A notice of appeal or cross-appeal shall specify the party or parties taking the appeal; shall designate the judgment, decree, order or part thereof appealed from and shall designate the contents of the record on appeal. The notice shall also contain a statement that the appellant has ordered the transcript, or specific portions thereof, if oral testimony or proceedings are designated, and has made any financial arrangements required by the court reporter pursuant to Ark. Code. Ann. § 16-13-510 (c). ~~A notice of appeal is invalid if it does not contain this statement, or a statement that no oral testimony or proceedings have been designated as part of the record.~~ The notice shall also state whether the appeal is to the Court of

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Court's Comments: The sentence in subsection (e) rendering a notice of appeal invalid for violating requirements for ordering and paying for the transcript has been deleted from the rule. The reasons for this amendment are discussed in *Clayton v. Ideal Chemical and Supply Co.*, 335 Ark. 73, 977 S.W.2d 228 (1998).