

Cite as 2018 Ark. 233

SUPREME COURT OF ARKANSAS

IN RE PAPER COPIES REQUIRED BY
THE RULES OF THE SUPREME
COURT AND COURT OF APPEALS

Opinion Delivered June 21, 2018

PER CURIAM

As we implement electronic filing in the appellate courts, this court and the court of appeals have made changes to our internal procedures that lessen our reliance on paper. There are several court rules that require litigants to provide more paper copies of filings than we need; therefore, we find it appropriate to reduce the number of paper copies required by Rules 2-1(b), 2-3(d), 2-4(e), 4-7(d), 6-1(a)–(c), and 6-5(b) of the Rules of the Supreme Court and Court of Appeals to minimize waste and harmonize these rules with our current needs. Also, the adoption of electronic filing has rendered Rule 1-8 obsolete, and we repeal it in its entirety. These rules, as amended, are set out below and are effective immediately. At the end of this order, the changes are set out in “line-in, line-out” fashion (new material is underlined; deleted material is lined-through).

Rule 2-1. Motions, petitions, and responses, general rules.

...

(b) *Number of Copies.* No paper copies are required for electronic filings. For conventional paper filings in the Supreme Court or Court of Appeals, one clearly legible copy on 8 ½” by 11” paper must be provided at the time of filing.

Rule 2-3. Petitions for rehearing.

...

(d) *Number of Copies to Be Filed.* The petition must be filed with the Clerk, and no copies are required. A copy must be served upon opposing counsel.

Rule 2-4. Petitions for review.

...

(e) *Clerk’s Notification; Request for Oral Argument.* When the Supreme Court grants a petition for review, the Clerk shall promptly notify all counsel and parties appearing pro se. Within two weeks of the notification, the briefs previously submitted to the Court of Appeals shall be electronically filed with the Clerk along with six paper copies within five days of the electronic-filing date. Any party may request oral argument by filing, contemporaneously with that party’s filing of the brief, a letter, separate from the brief, stating the request with a copy to all parties. The decision to grant the request for oral argument and other aspects of oral argument are governed by Rule 5-1.

Rule 4-7. Briefs in Postconviction and Certain Civil Appeals Where Appellant is Incarcerated and Proceeding Pro Se.

...

(d) *Number of Briefs and Time for Filing.*

(1) *Briefs in Chief.* The appellant shall have 40 days from the date the record is lodged to file six copies of the brief with the Clerk.

(2) *Appellee’s Brief.* The appellee shall have 30 days from the filing of the appellant’s brief to file its brief with the Clerk and serve a paper copy on the appellant by mail.

(3) *Reply Brief.* The appellant shall have 15 days from the date that the appellee’s brief is filed to file six copies of the reply brief.

Rule 6-1. Extraordinary writs, expedited consideration, and temporary relief.

(a) *Extraordinary Writs.*

...

(2) The petitioner is required to file with the Clerk the original petition along with the record. Evidence of service of a copy upon the adverse party or his or her counsel of record in the circuit court is required.

...

(c) *Applications for Temporary Relief.* When the petitioner intends to apply to the full Court for temporary relief staying the circuit court proceedings pending the consideration of the petition upon its merits, reasonable notice of the application for temporary relief must be served upon the other party or the counsel of record in the circuit court and the circuit court. If, after its review and consideration of the record and pleading filed, the Court shall determine that a temporary stay is warranted and granted, briefs shall be required as in other cases under Rule 4-4, and the parties' brief time will be calculated from the date the temporary relief is granted. However, the Court may decide the matter without ruling on the request for a briefing schedule.

Rule 6-5. Original actions.

...

(b) *Procedure.* In such proceedings, the procedure will conform to that prevailing in bench trials in the circuit courts. Upon filing the original pleading and payment of a filing fee, a summons or other process will be issued by the Clerk. The respondent's pleading must be filed within the time provided by the Rules of Civil Procedure.

~~Rule 1-8. Courtesy electronic copies.~~

~~(a) Motions, petitions, writs, briefs, responses, and replies filed in the appellate court, except those filed by a party proceeding pro se or by a party who by court order has been allowed to prosecute the suit in forma pauperis, shall be submitted with an electronic copy of those documents in Adobe Portable Document Format (PDF). Submission in PDF of circuit court records or parts of records filed in the appellate court is encouraged but not required. Submission of PDF documents in text-searchable Adobe Portable Document Format is also encouraged but not required.~~

~~(b) If original paper documents required by this rule to also be submitted in PDF are filed in both redacted and unredacted versions, redacted and unredacted PDF versions of the documents as required for the paper documents by these rules and related Arkansas Rule of Civil Procedure 5(c)(2)(A) & (B) and Administrative Order No. 19 also shall be submitted.~~

~~(c) PDF files submitted under this rule shall comply with the following size and naming requirements:~~

~~(1) Files in excess of 10 megabytes shall be provided in multiple parts, and the file names shall clearly indicate the part number and number of parts (example, part 1 of 2).~~

~~(2) Files shall comply with the following naming convention (see example below):~~

~~A. Short Title of the case followed by one space;~~

~~B. Docket Number followed by one space;~~

~~C. Document title, beginning with filing party designation followed by one space;~~

~~D. If a multi-part file, the designation “part x of y” (example, part 1 of 2) preceded by and followed by one space, where x is the part number and y is the number of parts into which the file has been divided followed by one space;~~

~~E. The letter “U” for an unredacted PDF version of the paper document submitted or “R” for a redacted PDF file.~~

~~F. File format designation preceded by a period (.pdf).~~

~~Other than the period preceding the file format and hyphens in the docket number, file names shall not include non-alphanumeric characters.~~

~~EXAMPLE OF FILE NAME FORMAT:~~

~~State v Jones CR-12-100 Appellees Reply Brief Part 1 of 3 R.pdf~~

~~(d) PDF documents submitted under this rule shall not contain any material that is not included in the original paper document. Submitting a PDF copy of the original paper document to the Clerk of the Court does not constitute filing of the original paper document. PDF documents filed pursuant to this rule are solely for the convenience of the court, attorneys, and parties. Parties and their attorneys must comply with the filing and service requirements for the original paper document provided by these rules. No signature~~

is required on a PDF document, but a signature may be indicated by typing /s/, inserting a digital image of the signature into the document, or using a digital signature.

~~(e) PDF documents shall be free of computer viruses.~~

~~(f) PDF documents shall be submitted on a Compact Disk (CD), Digital Video Disk (DVD), portable “flash” or “thumb” drive, or on other electronic media that may be commonly used for transporting digital information. Only one electronic media copy of PDF documents shall be submitted with the filing of the original paper documents. PDF documents shall not be submitted by email. Evidence of service upon opposing counsel of the electronic media containing the PDF documents must be furnished at the time of filing the original paper documents. Provided however, electronic media containing the PDF documents shall not be served on incarcerated pro se litigants.~~

~~(g) Unless electronically filed pursuant to Administrative Order Number 21, PDF documents shall not be file marked and shall not be a part of the official court record.~~

~~(h) Every paper filing for which a PDF document is submitted shall include the following certification:~~

~~Case Name:~~

~~Docket Number:~~

~~Title of Document:~~

~~CERTIFICATE OF COMPLIANCE AND IDENTIFICATION OF PAPER DOCUMENTS NOT IN PDF FORMAT~~

~~Certification: I hereby certify that:~~

~~I have submitted and served on opposing counsel (except for incarcerated pro se litigants) an unredacted and, if required, a redacted PDF document(s) that comply with the Rules of the Supreme Court and Court of Appeals. The PDF document(s) are identical to the corresponding parts of the paper document(s) from which they were created as filed with the court. To the best of my knowledge, information, and belief formed after scanning the PDF documents for viruses with an antivirus program, the PDF documents are free of computer viruses. A copy of this certificate has been submitted with the paper copies filed with the court and has been served on all opposing parties.~~

~~Identification of paper documents not in PDF format:~~

~~The following original paper documents are not in PDF format and are not included in the PDF document(s):~~

-
-

(Signature of filing party)
-

(Printed name)
-

(Firm)
-

(Date)
-

Rule 2-1. Motions, petitions, and responses, general rules.

...

(b) Number of Copies. No paper copies are required for electronic filings. For conventional paper filings in the Supreme Court or Court of Appeals, ~~eight (8)~~ one clearly legible ~~copies~~ copy on 8 1/2" by 11" paper must be provided at the time of filing. ~~For conventional paper filings in the Court of Appeals, fourteen (14) clearly legible copies on 8 1/2" by 11" paper must be provided at the time of filing.~~

Rule 2-3. Petitions for rehearing.

...

(d) Number of Copies to Be Filed. ~~Eight copies of t~~The petition must be filed for Supreme Court cases and fourteen copies of the petition must be filed for Court of Appeals cases with the Clerk, and no copies are required. ~~and a~~ A copy must be served upon opposing counsel.

Rule 2-4. Petitions for review.

...

(e) Clerk's Notification; Request for Oral Argument. When the Supreme Court grants a petition for review, the Clerk shall promptly notify all counsel and parties appearing pro se. Within two weeks of the notification, ~~eighteen additional copies of the briefs previously submitted to the Court of Appeals shall be~~ electronically-filed with the Clerk along with six paper copies within five days of the electronic-filing date. Any party may request oral argument by filing, contemporaneously with that party's filing of the ~~additional copies of the briefs, a~~

letter, separate from the brief, stating the request with a copy to all parties. The decision to grant the request for oral argument and other aspects of oral argument are governed by Rule 5-1.

Rule 4-7. Briefs in Postconviction and Certain Civil Appeals Where Appellant is Incarcerated and Proceeding Pro Se.

...

(d) Number of Briefs and Time for Filing.

(1) *Briefs in Chief.* The appellant shall have 40 days from the date the record is lodged to file ~~8~~six copies of the brief with the Clerk.

(2) *Appellee's Brief.* The appellee shall have 30 days from the filing of the appellant's brief to file its brief with the Clerk and serve a paper copy on the appellant by mail.

(3) *Reply Brief.* The appellant shall have 15 days from the date that the appellee's brief is filed to file ~~8~~six copies of the reply brief.

Rule 6-1. Extraordinary writs, expedited consideration, and temporary relief.

(a) Extraordinary Writs.

...

~~(2) If the petition falls within subsection (b) or (c) of this Rule, the petitioner is required to file with the Clerk the original and seven copies of the petition along with the record with the Clerk. Evidence of service of a copy upon the adverse party or his or her counsel of record in the circuit court is required. If the proceeding falls within subsection (e) of this Rule, the petitioner is required to file only the original petition along with the certified record.~~

(c) Applications for Temporary Relief. When the petitioner intends to apply to the full Court for temporary relief staying the circuit court proceedings pending the consideration of the petition upon its merits, ~~eight copies of the petition must be filed, and~~ reasonable notice of the application for temporary relief must be served upon the other party or the counsel of record in the circuit court and the circuit court. If, after its review and consideration of the record and pleading filed, the Court shall determine that a temporary stay is warranted and granted, briefs shall be required as in other cases under Rule 4-4, and the parties' brief time will be calculated from the date the temporary relief is granted. However, the Court may decide the matter without ruling on the request for a briefing schedule.

Rule 6-5. Original actions.

. . .

(b) Procedure. In such proceedings, the procedure will conform to that prevailing in bench trials in the circuit courts. Upon filing the original ~~and seven copies of the~~ pleading and payment of a filing fee, a summons or other process will be issued by the Clerk. The respondent's pleading must be filed within the time provided by the Rules of Civil Procedure.