

Cite as 2018 Ark. 301

# SUPREME COURT OF ARKANSAS

IN RE ARKANSAS SUPREME  
COURT COMMITTEE ON CIVIL  
PRACTICE – RECOMMENDATIONS  
ARK. R. CIV. P. 72; ARK. R.  
APP. P. –5; ARKANSAS SUPREME  
COURT RULE 2-3; AND PROBATE  
FORMS

**Opinion Delivered:** October 18, 2018

---

## PER CURIAM

The court published for comment the Arkansas Supreme Court Committee on Civil Practice’s proposals and recommendations for changes in the following rules: Rule of Civil Procedure 72, Rule of Appellate Procedure –Civil 5, Arkansas Supreme Court Rule 2-3, and Probate Forms (1, 2, 3, 4, 6, 7, 8, 9, 12, 13, 15, 16, 17, 18, 19, 20, 23, 24, 26, 27, 28, 30, 31, 32, 33). *See In re Arkansas Supreme Court Committee on Civil Practice – Recommendations, Ark. R. Civ. P. 72, 2018 Ark. 237 (per curiam).*

The court adopts the amendments, effective January 1, 2019, and republishes the rules as set out below.

### **Arkansas Rules of Civil Procedure**

#### **Rule 72. Suits in forma pauperis.**

(a) Every indigent person who shall have a cause of action may petition the court in which the action is pending, or in which it is intended to be brought, for leave to prosecute the suit in forma pauperis.

.....

**Reporter’s Notes (2019):** Subdivision (a) was amended to delete “against another” in the first sentence, which had been a source of confusion to some as to its effect on the scope of the rule.

## **Arkansas Rules of Appellate Procedure - Civil**

### **Rule 5. Record – Time for filing.**

(a) *When filed.* The record on appeal shall be filed with the clerk of the Arkansas Supreme Court and docketed therein within 90 days from the filing of the first notice of appeal, unless the time is extended by order of the circuit court as hereinafter provided. When, however, an appeal is taken from an interlocutory order under Rule 2(a)(6) or (7), the record must be filed with the clerk of the Supreme Court within 30 days from the filing of the first notice of appeal.

(b) *Extension of time.*

(1) If any party has designated stenographically reported material for inclusion in the record on appeal, the circuit court, by order entered before expiration of the period prescribed by subdivision (a) of this rule or a prior extension order, may extend the time for filing the record only if it makes the following findings:

(A) The appellant has filed a motion explaining the reasons for the requested extension and served the motion on all counsel of record;

(B) The time to file the record on appeal has not yet expired;

(C) All parties have had the opportunity to be heard on the motion, either at a hearing or by responding in writing;

(D) The appellant, in compliance with Rule 6(b), has timely ordered the stenographically reported material from the court reporter and made any financial arrangements required for its preparation; and

(E) An extension of time is necessary for the court reporter to include the stenographically reported material in the record on appeal or for the circuit clerk to compile the record.

(2) In no event shall the time be extended more than seven (7) months from the date of the filing of the first notice of appeal.

(3) If the appellant has obtained the maximum seven-month extension available from the circuit court, or demonstrates (by affidavit or otherwise) an inability to obtain entry of an order of extension, then before expiration of the period prescribed by subdivision (a) of this rule or a prior extension order, the appellant may file with the clerk of the Supreme Court a petition for writ of certiorari pursuant to Rule 3-5 of the Rules of the Supreme Court and Court of Appeals.

(c) *Partial record.* Prior to the time the complete record on appeal is filed with the clerk of the Arkansas Supreme Court as provided in this rule, any party may docket

the appeal to make a motion for dismissal or for any other intermediate order by filing a partial record with the clerk. At the request of the moving party, the clerk of the circuit court that entered the judgment, decree, or order from which the appeal is taken shall certify the portion of the record designated by that party as being a true and correct copy. It shall be the responsibility of the moving party to transmit the certified partial record to the clerk of the Arkansas Supreme Court.

**Reporter's Notes (2019):** The rule was amended to measure both the time to file the record and an extension to file the record from the date of the first notice of appeal. Paragraph (a) was amended to provide that the record for interlocutory appeals of orders under Rule 2 (a)(6) or (7) is to be filed within 30 days of the filing of the first notice of appeal rather than the date of entry of the order being appealed. Paragraph (b)(2) was amended to change the beginning point for measuring extensions from the date of the judgment or order being appealed to the date of the filing of the first notice of appeal.

## **Rules of the Supreme Court and Court of Appeals**

### **Rule 2-3. Petitions for rehearing.**

.....

(e) *Page length.* In all cases, both civil and criminal, the petition and supporting brief, if any, including the style of the case and the certificate of counsel, shall not exceed ten 8 1/2 " x 11" double-spaced, typewritten pages.

**Reporter's Notes (2019):** Subdivision (e) was amended to reconcile it with Rule 2-1(a) regarding binding and stapling.

**Probate Forms**

**Probate Forms 1, 2, 3, 4, 6, 7, 8, 9, 12, 13, 15, 16, 17, 18, 19, 20, 23, 24, 26, 27, 28, 30, 31, 32, 33**

**Illustration using Form 18**

[Caption]

**AFFIDAVIT TO CLAIM AGAINST ESTATE**

I, \_\_\_\_\_, do swear that the attached claim against the estate of \_\_\_\_\_, deceased, is correct, that nothing has been paid or delivered toward the satisfaction of the claim except as noted, that there are no offsets to this claim, to the knowledge of this affiant, except as therein stated, and that the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) is now justly due (or will or may become due as stated). I further state that if this claim is based upon a written instrument, a true and complete copy, including all endorsements, is attached.

Date: \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Print Name]

\_\_\_\_\_

\_\_\_\_\_

[Address]

\_\_\_\_\_

[Telephone Number]

\_\_\_\_\_

[Email Address]

[Affidavit]

**Note (2019):** The form was revised to provide for contact information.