

Cite as 2019 Ark. 211
SUPREME COURT OF ARKANSAS

IN RE ADOPTION OF AMENDMENT
TO RULE 6-1(a) OF THE RULES OF
THE SUPREME COURT AND COURT
OF APPEALS

Opinion Delivered June 6, 2019

PER CURIAM

On August 2, 2018, we published for comment a proposed amendment to Rule 6-1(a) of the Rules of the Supreme Court and Court of Appeals regarding extraordinary writ petitions, and we asked that any comments be provided by September 1, 2018. *See In re Amendment to Rule 6-1(a) of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas*, [2018 Ark. 252](#) (per curiam). We have reviewed the comments and concluded that the amendment should be adopted because the current practice of naming circuit courts and judges as respondents to extraordinary writ petitions and permitting judges to file responsive pleadings may have the undesirable effect of suggesting that circuit judges are personally interested in the outcome of extraordinary writ proceedings when, in fact, extraordinary writs are generally “not actually directed to a judge in any more personal way than is an order reversing a court’s judgment.” Fed. R. App. P. 21 advisory committee’s notes to 1996 amendment. Therefore, we adopt the proposed amendment, effective September 1, 2019, and republish the rule as set out below.

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

(a) Extraordinary writs.

(1) Proceedings for an extraordinary writ such as prohibition, mandamus, and certiorari are commenced by filing a petition in the Supreme Court. These writs are not available if appeal is an adequate remedy. A party seeking appellate review of a circuit court's decision on a request for an extraordinary writ must file a notice of appeal in the circuit court, not a petition for the writ in the Supreme Court. When a party petitions the Supreme Court for an extraordinary writ, the certified pleadings, orders, and exhibits from the circuit court, if applicable, are treated as the record.

(2) The petitioner is required to file with the Clerk the petition along with the certified record. The petitioner shall not identify the circuit court or judge as a respondent to the petition. Instead, the petitioner should identify as respondents all the other parties to the circuit court action. Evidence of service of a copy of the petition and record upon the respondents or their counsel of record in the circuit court is required. The petitioner must also provide a copy of the petition to the circuit judge to alert the judge of the filing of the petition. The Clerk may refuse to accept for filing any petition that does not comply with the requirements of these rules.

(3) Unless modified by the Court, a response to a petition for extraordinary relief may be filed within 10 calendar days from the date of the filing of the petition for extraordinary relief. Circuit judges and other non-parties shall not be permitted to file any response except upon order of the Supreme Court requesting a response.

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