

## SUPREME COURT OF ARKANSAS

IN RE ACCEPTANCE OF RECORDS  
ON APPEAL IN ELECTRONIC  
FORMAT AND ELIMINATION OF  
THE ABSTRACTING AND  
ADDENDUM REQUIREMENTS

Opinion Delivered June 6, 2019

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### PER CURIAM

Today, we are pleased to make four significant announcements regarding electronic filing and briefing in this court and the court of appeals. First, we authorize, effective immediately, the electronic filing of all case-initiating documents, including appellate records, in this court and the court of appeals. Second, we publish for comment proposed amendments to our court rules that incorporate the electronic filing of case-initiating documents, that eliminate the abstract and addendum requirements for appellate briefs, and that update our briefing rules. Third, in cases with an electronically filed record, we authorize parties to proceed under today's proposed rules as a pilot project prior to formal adoption of the proposed rules. Fourth, we announce that we are exploring the feasibility of shifting the onus of filing electronic records from appellants' attorneys and to a more automated process.

Today's announcements mark the next steps on this court's journey to comprehensive electronic filing in the appellate courts. That journey began in 2010 when we adopted Administrative Order Number 21, which encourages every court of this state to implement an electronic-filing system and vests this court with the authority to adopt

electronic filing in the Arkansas appellate courts. Ark. Sup. Ct. Admin. Order No. 21 3(a)(3)–(4). Thereafter, we began accepting select motions, petitions, and responses thereto via the court’s electronic-filing system (eFlex) “as a first step toward mandatory electronic filing in the appellate courts.” *In re Appellate Motion Electronic-Filing Pilot Project*, 2015 Ark. 282 (per curiam). Later, we began accepting appellate briefs via eFlex “as a second step toward comprehensive mandatory electronic filing in the appellate courts.” *In re Appellate-Motion Electronic-Filing Pilot Project*, 2016 Ark. 314 (per curiam). And recently, we began accepting petitions for review and rehearing, along with their corresponding filing fees, via eFlex. *In re Electronic Filing of Petitions for Rehearing and Petitions for Review*, 2019 Ark. 79 (per curiam). Now, we authorize, effective immediately, the electronic filing of all case-initiating documents, such as original-action complaints, appellate records, and partial records submitted in conjunction with extraordinary writ petitions.

Upon request for an electronic record and payment of any requisite fees for preparation of the appellate record and transcript, circuit court staff shall provide the record in an electronic format that complies with the proposed court rules set forth at the end of this order. Those proposed rules include significant changes in the form of the record, including the following. The circuit clerk’s portion of the record shall no longer be combined with the transcripts prepared by the court reporter. Instead, the clerk’s portion and the court reporter’s portion shall be contained in separate portable document format (PDF) files, and each shall be paginated beginning with page one. If either the clerk’s portion or the court reporter’s portion is 30 megabytes (30 MB) or larger, that portion shall be divided into separate PDF files that are each under 30 MB in size, and the pagination of the

subsequent files shall be continuous from where the previous PDF file ended. Each PDF file must include bookmarks to the beginning of each document contained therein and to the beginning of each witness's testimony, respectively. Exhibits to transcripts, other than physical evidence, shall be scanned when possible and included in the court reporter's portion of the record. Any documentary exhibits that cannot be scanned shall be provided to the appellant or appellant's counsel for conventional filing, and the electronic record shall identify any exhibits that are not included in the electronic record.

Appellants who electronically file<sup>1</sup> the record on appeal shall pay any associated filing fees via eFlex and shall also electronically file the cover sheet required by Supreme Court Rule 3-7. *See* Ark. R. Sup. Ct. 3-7. For cases in which the record is electronically filed, parties shall follow the proposed rules at the end of this order regarding the format, content, and filing of briefs. The proposed rules include significant changes to appellate briefs, including elimination of the abstract and addendum requirements, which are replaced by an updated jurisdictional statement and an enlarged statement of the case and facts section. The jurisdictional statement shall include all information necessary for this court to confirm its jurisdiction, and the statement of the case and the facts shall include all of the factual and procedural information needed to understand the case and decide the issues on appeal. Throughout the briefs, parties shall cite directly to the PDF page numbers of the circuit clerk's portion and the court reporter's portion of the electronic record where pertinent

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<sup>1</sup>Persons who have not yet acquired an eFlex account should follow the Administrative Office of the Courts' registration requirements to access the electronic-filing system, available at <https://www.arcourts.gov/administration/acap/efile>.

information can be found. Also, page limitations are eliminated and replaced with word-count limitations.

As previously mentioned, today we recommend eliminating the abstract and addendum requirements. We do so because the adoption of electronic records on appeal renders those sections unnecessary. The abstract procedure has served this court well since its adoption 134 years ago in 1885. *See Rules of the Supreme Court of the State of Arkansas*, 43 Ark. 1, 4 (1885) (reprinted as corrected at 44 Ark. 8 (1885)). The purpose of the abstract was to provide each justice with a condensed form of the record, and for many years, abstracting was considered a less expensive solution to the alternative of having the entire record reprinted for use by each justice. *See Neal v. Brandon & Baugh*, 74 Ark. 320, 85 S.W. 776 (1905). Associate Justice George Rose Smith explained the necessity of the abstract as follows:

#### WHY AN ABSTRACT AT ALL?

For purely practical reasons. There is only one typewritten record of the trial court's proceedings. That one transcript cannot possibly be examined by all seven members of the court in every case and in fact *will not be* so examined in any case. In this situation the court thinks the abstracting of the record to be not only less expensive but also more efficient than the multiple printing of the record in its entirety. Moreover, the typewritten record invariably contains many many matters, such as the captions and signatures to pleadings, their verification, irrelevant testimony, interlocutory orders, and so forth, that are not essential or even pertinent to the issues to be presented on appeal. Hence some condensation of the record is absolutely essential.

George Rose Smith, *Arkansas Appellate Practice: Abstracting the Record*, 31 Ark. L. Rev. 359, 361 (1977). Just as it was in 1885 and 1977, it is certainly still true today that some condensation of the appellate record is absolutely essential. However, with the adoption of electronic records on appeal, the problems that arose when there was only one paper record

of the trial court's proceedings are no more, and we believe that requiring appellants to prepare an abstract and the addendum may no longer be an efficient use of resources.

There have been past efforts by this court to eliminate the abstract based on similar concerns about whether abstracting is worth the time and effort that must be devoted to it. See Josephine Linker Hart & Guilford M. Dudley, *Briefing in an Electronic Age*, Ark. Lawyer, Summer 2011, at 18, 19. Those efforts were unsuccessful at fully eliminating the abstract, although in 2001, one such attempt resulted in a shift from the abstracting of pleadings, orders, and exhibits, to a requirement that copies of those documents be placed in an addendum. *Id.* Those efforts to eliminate the abstract were made at a time when there was still only one paper appellate record, and the appellate bench felt strongly that abstracting testimony was still necessary for an understanding of the record and the context in which decisions were made below. See *In re Modification of the Abstracting System-Amendments to Supreme Court Rules 2-3, 4-2, 4-3, & 4-4*, 345 Ark. Appx. 626, 627 (2001) (per curiam). At that time, we noted that the abstract and addendum system was “interim in nature because the rapid advances in technology will eventually permit the electronic filings of records and briefs, and some of the issues with which we are struggling will disappear.” *Id.* at 628. Indeed, with today's authorization of electronic records on appeal and the ability to access the electronic record in an easily navigable form on a tablet or laptop computer, every appellate judge may now directly review the relevant portions of the record; thus, the need for any abstract or addendum is eliminated. Of course, we must still rely on the parties to provide citations directing us to those relevant portions of the record in an efficient manner.

We propose amending Supreme Court Rules 1-2, 2-3, 3-1, 3-3, 3-4, 4-1, 4-2, 4-3, 4-4, 4-5, 4-8, 6-1, 6-3, and 6-9; Rule of Appellate Procedure–Civil 7; and Rule of Appellate Procedure–Criminal 3 to provide for the electronic filing of the appellate record, to eliminate the abstract and addendum requirements, and to update our briefing rules. An ad hoc working group was formed to assist in drafting these proposed rule changes. The working group was comprised of volunteers from various Supreme Court committees and court staff. We thank them for their efforts.

The proposed rules retain the practice of requiring the appellant to transmit the record on appeal from the circuit court to the appellate courts. In the future, this court envisions the possibility of eliminating one step in that process by having the circuit clerks submit the record directly to the appellate clerk in an automated fashion. To that end, we request that the ad hoc working group investigate processes to accomplish the task of clerk-to-clerk submission of records on appeal. We also authorize the clerk of this court to promulgate and update policies and procedures for the implementation of this order and for the use and operation of the electronic-filing and document-management systems. *See In re Appellate-Motion Electronic Filing Pilot Project*, 2016 Ark. 314 (per curiam).

The proposed amendments are set out in full at the end of this order, as well as in “line-out, line-in fashion” (deleted material is lined-through; new material is underlined). Comments regarding the proposed rule changes are welcome. Please forward any comments by February 28, 2020 to Stacey Pectol, Clerk of the Arkansas Supreme Court and Arkansas Court of Appeals, 625 Marshall Street, Suite 130, Little Rock, Arkansas, 72201, or via email at [eROAcomments@arcourts.gov](mailto:eROAcomments@arcourts.gov).

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

### **Rule 1-2. Appellate jurisdiction of the Supreme Court and Court of Appeals.**

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(c) Transfer and certification. The Supreme Court may transfer to the Court of Appeals any case appealed to the Supreme Court and may transfer to the Supreme Court any case appealed to the Court of Appeals. If the Court of Appeals seeks to transfer a case, the Court of Appeals shall find and certify that the case: (1) is excepted from its jurisdiction by Rule 1-2(a), or (2) otherwise involves an issue of significant public interest or a legal principle of major importance. The Supreme Court may accept for its docket cases so certified or may remand any of them to the Court of Appeals for decision. The Clerk of the Court shall notify the parties or their counsel of the transfer of any case.

(d) Petition for review. No appeal as of right shall lie from the Court of Appeals to the Supreme Court. The Supreme Court will exercise its discretion to review an appeal decided by the Court of Appeals only on application by a party to the appeal, upon certification of the Court of Appeals, or if the Supreme Court decides the case is one that should have originally been assigned to the Supreme Court. In determining whether to grant a petition to review, the following, while neither controlling nor fully measuring the Supreme Court's discretion, indicate the character of reasons that will be considered: (i) the case was decided in the Court of Appeals by a tie vote, (ii) the Court of Appeals rendered a decision which is arguably in conflict with a prior holding of a published opinion of either the Supreme Court or the Court of Appeals, or (iii) the Court of Appeals arguably erred in some way related to one of the grounds listed in Rule 1-2(b).

(e) Improper filing. No case filed in either the Supreme Court or the Court of Appeals shall be dismissed for having been filed in the wrong court but shall be transferred or certified to the proper court.

(f) Allocation of workload. Notwithstanding the foregoing provisions, cases may be assigned and transferred between the courts by Supreme Court order to achieve a fair allocation of the appellate workload between the Supreme Court and the Court of Appeals.

(g) In all appeals from criminal convictions or post-conviction relief matters heard in the Court of Appeals, the appellant shall not be required to petition for rehearing in the Court of Appeals or review in the Supreme Court following an adverse decision of the Court of Appeals in order to be deemed to have exhausted all available state remedies respecting a claim of error. When the claim has been presented to the Court of Appeals or the Supreme Court, and relief has been denied, the appellant shall be deemed to have exhausted all available state remedies.

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

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(h) Previous reference in the statement of the case and the facts. In no case will a rehearing petition be granted when it is based upon any fact thought to have been overlooked by the Court, unless reference has been clearly made to it in the statement of the case and the facts prescribed by Rule 4-2.

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**Rule 3-1. Preparation of the record.**

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(f) Pagination. The circuit clerk’s portion of the record shall be consecutively paginated, including any papers under seal, and the cover of the circuit clerk’s portion shall be page one. The court reporter’s portion of the record shall be separately paginated, and the cover of the court reporter’s portion shall be page one.

(g) Table of contents. The circuit clerk’s portion of the record and the court reporter’s portion of the record shall each include a table of contents which refers to the pages in the record where the matter identified is copied. For example:

Complaint .....	Page 3
Answer .....	Page 4
Motion for Summary Judgment .....	Page 6
Exhibit A - Medical Records (completely redacted and filed under Seal) .....	Pages 8
Brief in Support of Summary Judgment (internal redactions with complete version filed under seal) .....	Page 16
Response to Motion for Summary .....	Page 27
Exhibit A - Medical Records (internal redactions with complete version filed under seal) .....	Page 29
Brief Opposing Summary Judgment .....	Page 34
Judgment .....	Page 45

The table of contents shall also list all documents filed under seal.

(h) Fee for index. Clerks may add to their fee for the record a reasonable charge for these items where no charge is fixed by statute.

(i) Record fee and costs certified. The fee for the production of the record must be certified in all cases; in addition, all costs in the circuit court must be reported, and by whom paid.

(j) Clerk's record and reporter's transcript--Paper size and preparation.

The record must be prepared in the digital equivalent of plain typewriting or computer or word processor printing of the first impression, not copies, on 8 1/2" x 11" paper. The record, as defined in paragraph (o) of this Rule, shall be fastened on the left of the page. All transcripts shall be prepared by certified court reporters and comport with the following rules:

- (1) No fewer than 25 typed lines on standard 8 1/2" x 11" paper;
- (2) No fewer than 9 or 10 characters to the typed inch;
- (3) Left-hand margins to be set at no more than 1 3/4";
- (4) Right-hand margins to be set at no more than 3/8";
- (5) Each question and answer to begin on a separate line;
- (6) Each question and answer to begin at the left-hand margin with no more than 5 spaces from the "Q" and "A" to the text;
- (7) Carry-over "Q" and "A" lines to begin at the left-hand margin;
- (8) Colloquy material, quoted material, parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;
- (9) All transcripts to be prepared in the lower case;
- (10) All transcripts shall be prepared on only one side of the paper, not front and back;
- (11) All transcripts of depositions shall comply with these Rules.

(k) Exhibits. Photographs, charts, drawings and other documents that can be digitized shall be included. Documents of unusual bulk or weight shall not be transmitted by the clerk of the circuit court unless the clerk is directed to do so by a party or by the Clerk of the Court. Physical exhibits other than documents shall not be transmitted by the clerk of the circuit court except by order of the Court. When possible, exhibits shall be digitized, and the digital copies shall be included in the electronic record.

(l) Folding of record. Records must be transmitted to the Clerk without being folded or creased.

(m) Surveys. Real property surveys which form a part of the record shall not be fastened to the record.

(n) Record in volumes. Where the record is 30 megabytes or larger, it shall be divided into separate files, each of which is less than 30 megabytes and is paginated continuously from the preceding file to the subsequent file. Any portion of the record filed under seal shall be a separate PDF file.

(o) Definition of record. The term “record” in civil cases, and as used in these Rules, refers only to the pleadings, judgment, decree, order appealed, transcript, exhibits, and certificates.

(p) Record of jury matters.

(1) The record shall not include the impaneling or swearing of the jury, the names of the jurors, or any motion, affidavit, order, or ruling in reference thereto unless expressly called for by a party’s designation of the record.

(2) Verdict forms, written jury instructions, and proffered jury instructions shall be inserted in the record when expressly identified by a party’s designation of the record.

### **Rule 3-3. Record in Civil Cases.**

Not all records in civil cases will have the same contents. To the extent possible, items will be arranged in the following sequence:

(a) Circuit clerk’s portion of the electronic appellate record.

1. The Complaint;
2. Plaintiff’s exhibits which accompany the Complaint;
3. Statement regarding summons, set out in Rule 3-2(b);
4. Answer;

5. Defendant's exhibits which accompany the Answer;
6. Subsequent pleadings and orders in chronological order;
7. Final judgment, decree, or order appealed;
8. Post-judgment decree, order or motion (e.g., motions for new trial);
9. Orders granting or denying post-judgment motions;
10. Notice of appeal and designation of record;
11. Statement of points to be relied upon if abbreviated record designated;
12. Extensions of time to file record on appeal;
13. Stipulations to abbreviated records;
14. Narrative of testimony upon stipulations;
15. Supersedeas bond;
16. Circuit clerk's certificate, duly acknowledged; and
17. Certificate of costs of circuit clerk's portion of appellate record, indicating payor.

(b) Court reporter's portion of the electronic appellate record.

1. Transcription of proceedings;
2. Digitized transcript exhibits;
3. List of exhibits not included in the electronic transcript;
4. Court reporter's certificate; and
5. Court reporter's certificate of costs of the transcript, indicating payor.

**Rule 3-4. Record in Criminal Cases.**

Not all records in civil cases will have the same contents. To the extent possible, items will be arranged in the following sequence:

(a) Circuit clerk's portion of the electronic appellate record.

1. Return of the indictment or information;
2. Defendant's pleadings;
3. Subsequent pleadings and orders in chronological order;

4. Final judgment and commitment or order appealed;
5. Verdict forms and written jury instructions;
6. Motion for new trial, to set aside, amend, etc.;
7. Order granting or denying above motions;
8. Notice of appeal and designation of record;
9. Extensions of time to file record on appeal;
10. Appeal bond;
11. Circuit clerk's certificate, duly acknowledged; and
12. Certificate of costs of circuit clerk's portion of appellate record, indicating payor.

(b) Court reporter's portion of the electronic appellate record.

1. Transcription of proceedings;
2. Digitized transcript exhibits;
3. List of exhibits not included in the electronic transcript;
4. Court reporter's certificate; and
5. Court reporter's certificate of costs of the transcript, indicating payor.

#### **4-1. Style of electronic briefs.**

(a) *Format.* Briefs filed by represented parties shall be typewritten using word-processing software, shall be contained in a single electronic file, and shall be in word-searchable portable document format (PDF). PDF files shall be converted from the word-processing software from which they were created, rather than by scanning paper documents.

(b) *Spacing.* Briefs shall be double-spaced, except for quoted material, which may be single-spaced and indented. Footnote lines, except quotations, shall be double-spaced. Use of footnotes is not encouraged and should be used sparingly.

(c) *Margins.* The margins at the top-bottom, and sides of each page shall be not less than one inch except that the top margin of the brief cover shall be not less than two inches to accommodate the file-mark.

(d) *Font.* Typeface shall be proportionally spaced, shall not be less than 14 points, and must include serifs, but sans-serif type may be used in headings and captions.

(e) *Pagination and bookmarks.* Briefs shall be paginated consecutively, and the cover page shall be page one. Briefs shall also be bookmarked for ease of navigation. There shall be a bookmark for each section of the brief referenced in Rule 4-2(a).

(f) *Compliance with Administrative Order No. 19 required.* Briefs shall comply with the requirements of Administrative Order Number 19 concerning confidential information and the following requirements.

(1) *Redaction.* Confidential information shall be redacted from appellate briefs in the manner described in Arkansas Rule of Civil Procedure 5(c).

(2) *Redaction Not Required for Sealed Cases.* If the entire record on appeal is sealed pursuant to statute, court rule, court order, or court practice, all briefs filed in the case shall be filed under seal, and no redaction is required.

(3) *Unredacted briefs.* If court review of any confidential information redacted from a brief is necessary to decide the appeal, the party filing the brief must file an unredacted version of the brief under seal. If court review of redacted confidential information is not necessary to decide the appeal, the party filing the brief is not required to file an unredacted brief.

#### **Rule 4-2. Contents of electronic briefs.**

(a) *Appellants' briefs.* The contents of appellants' briefs shall be in the following order.

(1) *Cover.* On the cover of every brief there should appear the number and style of the case in the Supreme Court or Court of Appeals; a designation of the court from which the appeal is taken, and the name of its presiding judge; the title of the brief; and the name or names of counsel who prepared it, including their bar numbers, addresses, telephone numbers, and e-mail addresses.

(2) *Table of contents.* Each brief must include a table of contents. It should reference the page number for the beginning of each of the major sections identified in Rule 4-2(a)(2)-(10).

(3) *Points on appeal.* The appellant shall list and separately number, concisely and without argument, the points relied upon for a reversal of the judgment or decree. The appellee must follow the same sequence and arrangement of points as contained in the appellant's brief and may then state additional points. Either party may insert under any point not more than two citations which the party considers the principal authorities on that point.

(4) *Table of authorities.* The table of authorities shall be an alphabetical listing of authorities with a designation of the page number of the brief on which the authority appears. The authorities shall be grouped as follows:

- (A) Cases
- (B) Statutes and Rules
- (C) Books and Treatises
- (D) Miscellaneous

(5) *Jurisdictional Statement.* Briefs must contain a brief statement, supported by citations to applicable authority and to the pages of the appellate record, demonstrating the appellate court's jurisdiction. The statement must identify:

- (A) Information demonstrating that the appeal is from a final order or judgment that disposes of all of the parties' claims, or information establishing the appellate court's jurisdiction on some other basis;
- (B) The filing dates establishing the timeliness of the appeal; and
- (C) Whether, under Supreme Court Rule 1-2, the appeal should be decided by the Arkansas Supreme Court or the Arkansas Court of Appeals.

(6) *Statement of the case and the facts.* The appellant's brief shall contain a concise statement of the case and the facts without argument. The statement shall identify and discuss all material factual and procedural information contained in the record on appeal. Information in the appellate record is material if the information is essential to understand the case and to decide the issues on appeal. All material information must be supported by citations to the pages of the appellate record where the information can be found.

(7) *Argument.* Arguments shall be presented under subheadings numbered to correspond to the outline of points to be relied upon. For each issue, the applicable standard of review shall be concisely stated at the beginning of the discussion of the issue. Citations of decisions of the Arkansas Supreme Court and Court of Appeals must be from the official reports, and all citations to both official and unofficial reports shall follow the format prescribed in Rule 5-2. All citations of decisions of any other court must state the style of the case and cite the official reporter (including a regional reporter so designated by the issuing court) in which the case is found. If the case is also reported by unofficial publishers, including an unofficial electronic database, one of these should also be cited. Reference in the argument portion of the parties' briefs to material found in the appellate record shall be followed by a reference to the page number of the appellate record at which such material may be found.

(8) *Request for Relief*. The appellant shall request, with specificity, all relief sought on appeal.

(9) *Certificate of service*. All briefs must include a certificate of service evidencing service of the brief in compliance with Rule 4-4(e).

(10) *Certificate of Compliance with Administrative Order No. 19 and With Word-Count Limitations*. All briefs must include a statement that the brief complies with Administrative Order No. 19's requirements concerning confidential information and that the brief conforms to the word-count limitations identified in Rule 4-2(d). The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must state the number of words in the document.

(b) *Appellees' briefs*. Appellees' briefs shall conform to the requirements of Rule 4-2(a) except that appellees may, but are not required to, submit a jurisdictional statement and a statement of the case and facts. Appellees may adopt by reference all or part of the appellant's jurisdictional statement or statement of the case and the facts and may respond to or supplement those statements if the appellee controverts them or believes them to be insufficient.

(c) *Reply Briefs*. Reply briefs shall contain a cover, a table of contents, a table of authorities an argument, a certificate of service, and a certificate of compliance with Administrative Order No. 19 and with the word-count limitations contained in Rule 4-2(d).

(d) *Word-Count Limitations*: Briefs shall comply with the word-count limitations identified below, and only the jurisdictional statement, the statement of the case and the facts, the argument, and the request for relief shall be counted against these limitations. The cover, the table of contents, the points on appeal, the table of authorities, the certificate of service, the certificate of compliance, and any list of adverse rulings required by Rule 4-3(a) shall not count against these limitations.

(1) *Appellants' brief and appellees' briefs*. Appellants' briefs and appellees' briefs shall be no longer than 8600 words.

(2) *Reply briefs*. Reply briefs shall be no longer than 2875 words.

(3) *Appellees/cross-appellants' briefs*. If an appellee is also a cross-appellant, the argument on cross-appeal shall appear after the appellee's argument in the brief, and appellee/cross-appellant's brief shall be no longer than 14,325 words.

(4) *Reply/cross-appellees' briefs*. If the appellant is also a cross-appellee, the cross-appellee's argument shall follow the appellant's argument in reply, and the reply/cross-appellee's brief shall be no longer than 11,475 words.

(e) *Motions for expansion of word-count limitations.* Motions for an expansion of the word-count limitations must set forth the reason or reasons for the request, must state that a good faith effort to comply with this rule has been made, and must specify the number of additional words requested.

**Rule 4-3. Special rules for briefs in cases where defendant is sentenced to life imprisonment or death and for no-merit briefs.**

(a) *Court's review of errors in death or life imprisonment cases.* When the sentence is death or life imprisonment, the Court must review all errors prejudicial to the appellant in accordance with Ark. Code Ann. Sec. 16-91-113(a). To make that review possible, the appellant must include, in addition to the contents required by Rule 4-2, a list of all rulings adverse to him or her made by the circuit court on all objections, motions and requests made by either party, and the list must include the information needed for an understanding of each adverse ruling and the page number where each adverse ruling is located in the appellate record. The Attorney General will make certain and certify that all of those objections have been listed and will brief all points argued by the appellant and any other points that appear to involve prejudicial error.

(b) *Withdrawal of counsel and no-merit briefs in criminal, juvenile- delinquency, and involuntary-commitment cases.*

(1) Any motion by counsel for a defendant in a criminal, a juvenile-delinquency, or an involuntary-commitment case for permission to withdraw made after notice of appeal has been given shall be addressed to the Court, shall contain a statement of the reason for the request and shall be served upon the defendant personally by first-class mail. A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief. The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal. The brief's statement of the case and the facts shall contain, in addition to the other material parts of the record, all rulings adverse to the defendant made by the circuit court and the page number where each adverse ruling is located in the appellate record.

(2) The Clerk shall furnish the appellant with a copy of the appellant's counsel's brief, and advise the appellant that he or she has 30 days within which to raise any points that he or she chooses, and that this may be done in typewritten or hand printed form and accompanied by an affidavit that no paid assistance from any inmate of the Department of Correction or of any other place of incarceration has been received in the preparation of the response.

(3) The Clerk shall serve all such responses by an appellant on the Attorney General, who shall file a brief for the State within 30 days after such service and serve a copy on the appellant, as well as on the appellant's counsel.

(4) After a reply brief has been filed, or after the time for filing such a brief has expired, the motion for withdrawal and the briefs shall be submitted to the Court as other cases are submitted. If, upon consideration of the motion or briefs, it shall appear to the Court that the judgment of the circuit court should be affirmed or reversed, the Court may take such action on its own motion, without any supporting opinion.

#### **Rule 4-4. Filing and service of briefs.**

(a) *Electronic Filing.* Briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts. No paper copies are required. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings consistent with Rule 4-7.

(b) *Appellant's brief.* In all cases the appellant shall, within 40 days of lodging the record, file the appellant's brief with the Clerk.

(c) *Appellee's brief and appellee/cross-appellant's brief.* The appellee shall file the appellee's brief, within 30 days after the appellant's brief is filed. If the cross-appellant is also the appellee, the two separate arguments shall be contained in one brief, and the brief shall comply with the requirements of Rule 4-2(d)(3).

(d) *Reply brief, reply/cross-appellee's brief, and cross-appellant's reply brief.* The appellant may file a reply brief within fifteen days after the appellee's brief. If the appellant is also a cross-appellee, the two separate arguments shall be contained in one brief, and the brief shall comply with the requirements of Rule 4-2(d)(4). Any cross-appellant's reply brief shall be filed within fifteen days after the cross-appellee's brief is filed.

(e) *Service of Briefs.* Briefs shall be served on opposing counsel and the circuit court by any method permitted by Arkansas Rule of Civil Procedure 5(b) and Administrative Order No. 21 (7). Briefs tendered to the Clerk will not be filed unless evidence of service upon opposing counsel and the circuit court has been furnished to the Clerk. Evidence of service shall be included in each brief and shall comply with the requirements of Arkansas Rule of Civil Procedure 5(e).

(f) *Submission.* The case shall be subject to call on the next Thursday (in the Supreme Court) or Wednesday (in the Court of Appeals) after the expiration of the time allowed for filing

the reply brief of the appellant or the cross-appellant. After the case has been submitted to the court for decision, the court will not consider motions to dismiss because of settlement or notice of settlement.

(g) *Noncompliance with Briefing Rules.*

(1) Noncompliance discovered at the time of filing. Briefs not in compliance with Rules 4-1, 4-2, 4-3, and 4-4 shall not be accepted for filing by the Clerk. When a party timely submits a noncompliant brief that substantially complies with the rules governing briefs, the Clerk shall mark the brief “tendered,” grant the party a seven-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within seven calendar days, then the Clerk shall accept that brief for filing on the date it is received.

(2) Noncompliance discovered after filing. Motions to dismiss the appeal for insufficiency of briefs will not be recognized. Deficiencies in the appellants’ briefs will ordinarily come to the court’s attention and be handled in one of the following ways:

(A) If the appellee considers the appellant’s brief to be defective, the appellee’s brief should call the deficiencies to the court’s attention and may, at the appellee’s option, contain a supplemental statement of the case and facts. When the case is considered on its merits, the court may upon motion impose or withhold costs, including attorney’s fees, to compensate either party for the other party’s noncompliance with court rules. In seeking an award of costs under this paragraph, counsel must submit a statement showing the cost of the supplemental statement of the case and facts and a certificate of counsel showing the amount of time that was devoted to the preparation of the supplement.

(B) If the case has not yet been submitted to the court for decision, an appellant may file a motion to supplement the brief or to file a substituted brief. Subject to the court’s discretion, the court will routinely grant such a motion and give the appellant fifteen days within which to file the supplemental or substituted brief. If the appellee has already filed its brief, upon the filing of appellant’s supplemental or substituted brief, the appellee will be afforded an opportunity to revise or supplement its brief, at the expense of the appellant or the appellant’s counsel, as the court may, upon motion, direct.

(C) Regardless of whether the appellee has called attention to deficiencies in the appellant’s brief, the Court may address the question at any time. If the Court finds the brief to be deficient such that the Court cannot reach the

merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and that he or she has fifteen days within which to file a substituted brief, at his or her own expense. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise the appellee's brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying brief within the prescribed time, the judgment or decree may be affirmed or the appeal dismissed for noncompliance with the Rule.

(D) If the appellate court determines that deficiencies or omissions in the brief need to be corrected, but complete rebriefing is not needed, then the court will order the appellant to file a supplemental brief within seven calendar days to provide the additional information from the record to the members of the appellate court.

(E) After the opportunity to cure deficiencies has been afforded, attorneys who fail to comply with the requirements of this rule may be referred to the Office of Professional Conduct and may be subject to any of the following: (i) contempt, (ii) suspension of the privilege to practice before the Supreme Court or Court of Appeals for a specified time or until the attorney can demonstrate a satisfactory knowledge of the rules, or (iii) imposition of any of the sanctions listed in Rule 11(c) of the Rules of Appellate Procedure-Civil.

(h) *Continuances and extensions of time.*

(1) The Clerk or a deputy clerk may extend the due date of any brief by seven (7) calendar days upon oral or electronically filed request. The party requesting a Clerk's extension must confirm the extension by sending a letter immediately to the Clerk or the deputy clerk with a copy to all counsel of record and any pro se party. If such an extension is granted, no further extension shall be granted except by the Clerk for compliance with these Rules as provided in Rule 4-2(c) or by the Court upon a written motion showing good cause.

(2) Stipulations of counsel for continuances will not be recognized. Any request for an extension of time (except in (g)(1) and (h)(1)) for the filing of any brief must be made by a written motion, addressed to the Court, setting forth the facts supporting the request. Counsel who delay the filing of such a motion until it is too late for the brief to be filed if the motion is denied, do so at their own risk.

(i) *Briefs not required in unemployment compensation cases.* Unemployment compensation cases appealed from the Arkansas Board of Review may be submitted to the Court of Appeals for decision as soon as the transcript is filed, unless the petition for review shows it is filed by an attorney, or notice of intent to file a brief for the appellant is filed with the Clerk prior to the filing of the transcript.

**Rule 4-5. Failure to file briefs in civil and misdemeanor cases.**

If the appellant's brief has not been filed in a civil case or in a misdemeanor case within the time allowed by Rule 4-4, the Court may dismiss the appeal and affirm the judgment or decree at cost to the appellant. When the appellee has failed to appear and file a brief, the Court may, when the case is called for submission, proceed and give judgment according to the requirements of the case.

**Rule 4-7. Pro se briefs.**

(a) *Style of pro se briefs.* Briefs filed by self-represented parties shall substantially comply with Rules 4-1, 4-2, and 4-4 except that they may be handwritten and filed in conventional paper form. A handwritten brief shall be clearly legible, shall not exceed 30 lines per page and 15 words per line with left-hand and right-hand margins of at least one and 1 1/2 inches and upper and lower margins of at least 2 inches. The argument section of a handwritten brief shall be no longer than 30 pages. Briefs shall be of uniform size on 8 1/2 x 11 inch paper and firmly bound on the left hand margin by staples or other binding devices. Typed briefs shall be double-spaced, except for quoted material, which may be single-spaced and indented. Footnotes, except quotations therein, shall be double-spaced. Use of footnotes is not encouraged and should be used sparingly. The brief need not be signed by the appellant.

(b) *Affidavit.* If the pro se appellant is incarcerated, the brief shall also be accompanied by a notarized affidavit that the appellant has prepared it without the paid assistance of any other prison inmate. Where the appellant in a criminal appeal is entitled to representation by counsel, pro se briefs will be accepted only when the appellant has filed an affidavit stating that the appellant has knowingly and intelligently refused the services of an attorney on appeal. Such a brief shall also be accompanied by an affidavit that the appellant has prepared it without the paid assistance of any other prison inmate.

(c) *Noncompliance.* Briefs not in substantial compliance with this Rule shall not be accepted for filing by the Clerk. When a party submits a brief on time that does not substantially comply with these Rules, the Clerk shall mark the brief "tendered," grant the party a 14-day compliance extension, and return the brief to the party for correction. If the party

resubmits a compliant brief within fourteen calendar days, then the Clerk shall accept that brief for filing on the date it is received.

(d) *Number of briefs, time for filing, and page limitations.* One copy of all pro se briefs shall be filed by the deadlines set forth in Rule 4-4.

(e) *Continuances and extensions of time.* The Clerk or a deputy clerk may extend the due date of any brief by seven calendar days upon oral or letter request. If such an extension is granted, no further extension shall be granted except by the Court upon a written motion showing good cause.

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

(a) Extraordinary writs

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(2) The petitioner is required to electronically 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.

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**Rule 6-9. Rule for appeals in dependency-neglect cases.**

.....

(d) *Transmission of Record.* Absent extraordinary circumstances, the record on appeal shall be electronically filed with the Clerk of the Supreme Court within seventy (70) days of the filing of the Notice of Appeal. Within sixty (60) days after the filing of the Notice of Appeal and Designation of Record (Form 1), the court reporter shall provide the record to the Circuit Clerk who shall have no longer than five (5) days to prepare the record, including any transcripts and exhibits, to be transmitted for submission to Clerk of the Supreme Court. After the record has been duly certified by the Circuit Clerk, it shall be the responsibility of the appellant to transmit the record to the Clerk of the Supreme Court for filing.

(e) *Appellants' Briefs.* Within thirty 30 days after transmission of the record to the Clerk of the Supreme Court, the appellant shall file an appellant's brief that complies with Rule 4-2(a) and that shall also include a completed "Petition on Appeal" form (Form 2). Appellants' briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. Any person proceeding pro se and any person with a disability or special need

that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide one paper copy of the brief at the time of filing.

(f) *Appellees' Briefs and Cross-Appellants' Briefs.* Within twenty days after filing of the appellant's brief, any appellee may file an appellee's brief or an appellee/cross-appellant's brief that complies with Rules 4-2(b) and that includes a completed "response to the petition on appeal or cross-appeal" form (Form 3). Appellees' briefs and appellee/cross-appellants' briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide one paper copy of the brief at the time of filing.

(g) *Reply Briefs, Reply/Cross-Appellees' Briefs, and Cross-Appellants' Reply Briefs.* The appellant will have ten calendar days after appellee's brief or appellee/cross-appellant's brief is filed to file a reply brief or reply/cross-appellee's brief that complies with Rule 4-2(c). If appellee files a cross-appellant's brief and the appellant has filed a cross-appellee's brief, the appellee will have ten (10) calendar days to file a cross-appellant's reply brief. The briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide one paper copy of the brief at the time of filing.

(h) *Extensions.* The Clerk of the Supreme Court shall have the authority to grant one seven-day extension for completion of the record and one seven-day extension to any party to the appeal to file the appellant's brief or the appellee's brief. The extension shall be computed from the date the brief was originally due. Absent extraordinary circumstances, no other extensions shall be granted.

(i) *Style, Content, and Filing of Briefs.* Briefs in dependency-neglect cases shall comply with the content, style, and filing requirements of Rules 4-1, 4-2, and 4-4 except when Rule 6-9 provides differently. Reference to any minor in the briefs shall be by the minor's initials. Other parties seeking anonymity shall comply with Rule 6-3 of the Rules of the Supreme Court and Court of Appeals.

(j) *Procedure for No-Merit Briefs, Pro Se Points, and State's Response.*

(1) After studying the record and researching the law, if appellant's counsel determines that the appellant has no meritorious basis for appeal, then counsel may file a no-merit brief and move to withdraw. In addition to the requirement set forth in subsection (e), counsel's no-merit brief must include the following:

(A) The argument section of the brief shall list all adverse rulings to the appellant made by the circuit court on all objections, motions, and requests made by the party at the hearing from which the appeal arose and explain why each adverse ruling is not a meritorious ground for reversal.

(B) The statement of the case and the facts shall contain all rulings adverse to the appellant, made by the Circuit Court at the hearing from which the order of appeal arose.

(2) Appellees are not required to, but may, respond to a no-merit brief. Appellees may file a concurrence letter supporting the no-merit brief. Any response by an appellee shall be filed within twenty (20) days of the filing of the no-merit brief.

(3) The Clerk of the Supreme Court shall mail the appellant, at the appellant's last known address, a copy of the no-merit brief and the motion to withdraw. The Clerk shall notify the appellant in writing that the appellant may raise any points that the appellant chooses and that these points may be typewritten or hand-printed. The Clerk shall also notify the appellant that the points shall be received by the Supreme Court Clerk by mail or other method of delivery within thirty (30) days from the date the Clerk mailed the appellant the notification.

(4) The Clerk shall provide appellant's points by electronic transmission or other method of delivery to the Department of Human Services - Office of Chief Counsel, the Attorney Ad Litem, and appellant's counsel within three (3) business days.

(5) The Arkansas Department of Human Services shall respond and any other appellees may respond to appellant's pro se points by filing a/the response within twenty (20) days of receipt by the Clerk of the Supreme Court of the appellant's pro se points..

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## **Rules of Appellate Procedure – Civil**

### **Rule 7. Certification, format, and transmission of record.**

(a) Certification. The clerk of the circuit court that entered the judgment, decree, or order from which the appeal is taken shall certify the record as being a true and correct copy of the record as designated by the parties.

(b) Format.

(1) The record shall be saved as searchable and bookmarked portable document format (PDF) files. Bookmarks shall be made to each document in the record and the beginning of each witness's testimony.

(2) The PDF page numbers shall correspond to the record page numbers.

(3) If there is a transcribed portion of the record, that transcribed portion shall be saved and paginated as a separate PDF file pursuant to Rule 3-1(f) of the Arkansas Rules of Appellate Procedure – Civil.

(4) If either the circuit clerk's portion or the court reporter's portion of the electronic record is 30 megabytes or larger, that portion shall be divided into separate files for

purposes of filing, and each file shall be less than 30 megabytes. The name of each PDF volume shall indicate the page numbers of the record contained in that volume.

(5) If the record contains exhibits or other items that cannot be digitized, those exhibits that were not digitized shall be filed conventionally, and the rest of the record shall be filed electronically and shall include a log describing those items that were not digitized.

(c) Transmission. After the record has been duly certified by the clerk, it shall be the responsibility of the appellant to electronically transmit such record to the clerk of the appellate court for filing and docketing. Any image alleged to be pornography shall be filed conventionally and not electronically. Pursuant to Administrative Order 21, any person proceeding pro se and any person with a disability or special need that prevents electronic filing shall be entitled to submit conventional paper filings.

## **Rules of Appellate Procedure – Criminal**

### **Rule 3. Appeal by state.**

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(c) When a notice of appeal is filed pursuant to either subsection (a) or (b) of this rule, the clerk of the court in which the prosecution sought to be appealed took place shall immediately cause an electronically formatted transcript of the trial record to be made and electronically transmitted to the attorney general, or delivered to the prosecuting attorney, to be by him delivered to the attorney general. If the attorney general, on inspecting the trial record, is satisfied that error has been committed to the prejudice of the state, and that review by the Supreme Court is desirable under this rule, he may take the appeal by electronically filing the transcript of the trial record with the clerk of the Supreme Court within sixty (60) days after the filing of the notice of appeal.

.....

## Rules of the Supreme Court and the Court of Appeals of the State of Arkansas

### Rule 1-2. Appellate jurisdiction of the Supreme Court and Court of Appeals.

.....

~~(c) Informational statement and jurisdictional statement.~~

~~(1) The Informational Statement and Jurisdictional Statement in appellant's brief are for jurisdictional purposes only, and the discussion of the issues on appeal should be limited to their jurisdictional relevance, and not to argue their substantive merit.~~

~~(A) The Informational Statement which is to be contained within the brief, as provided in Rule 4-2(a)(2), shall be on a form which may be copied from that provided below and which shall be available from the Clerk.~~

~~(B) The Jurisdictional Statement, in narrative form, shall be completed on separate page(s), not to exceed three 8 1/2" x 11" double-spaced, typewritten pages and shall comply with the provisions of Rule 4-1(a). All requested information shall be contained in the body of the Statement. No separate supporting materials shall be affixed. The attorney's signature may appear on a separate page at the end and shall not count against the three page limit. The style of the case should not be stated, and, beginning with the first page, the Jurisdictional Statement shall contain in the order indicated:~~

~~(i) The first numbered paragraph which shall concisely state all issues of law raised on appeal. The issues should be expressed in the terms and circumstances of the case but without unnecessary detail.~~

~~(ii) The second numbered paragraph which shall state the following: "I express a belief, based on a reasoned and studied professional judgment, that this appeal raises (no) (the following) question(s) of legal significance for jurisdictional purposes." Then, the appellant shall discuss as many of the issues listed in Rule 1-2(b) which are relevant to the appeal. Each issue should be stated with accuracy, brevity, and clarity, and should include the citations of any cases sought to be overruled or perceived to be in conflict.~~

~~(2) If a cross appeal is filed, the cross appellant shall include in his or her brief an Informational Statement and Jurisdictional Statement in the same format as that for the appellant limited to the issues raised by the cross appeal.~~

~~(3) If there is substantial disagreement on the part of an appellee or cross-appellee with the information in the appellant's Jurisdictional Statement, the appellee or cross-appellee may include in the appellee's or cross-appellee's brief a statement entitled "Appellee's Response to Jurisdictional Statement", in which the appellee or cross-appellee may dispute or clarify any of the appellant's statements, concluding with the following certification. "I express a belief, based on a reasoned and studied professional judgment, that the statements made by~~

~~the appellant in the appellant's Jurisdictional Statement to which I have taken exception are material to understanding correctly the nature of this appeal and its disposition in the appropriate appellate court." The page requirements for the appellee's response shall comply with the provisions of subsection (c) except that it shall not exceed two pages. The appellee's response shall not include an Informational Statement.~~

~~(d)~~(c) Transfer and certification. The Supreme Court may transfer to the Court of Appeals any case appealed to the Supreme Court and may transfer to the Supreme Court any case appealed to the Court of Appeals. If the Court of Appeals seeks to transfer a case, the Court of Appeals shall find and certify that the case: (1) is excepted from its jurisdiction by Rule 1-2(a), or (2) otherwise involves an issue of significant public interest or a legal principle of major importance. The Supreme Court may accept for its docket cases so certified or may remand any of them to the Court of Appeals for decision. The Clerk of the Court shall notify the parties or their counsel of the transfer of any case.

~~(e)~~(d) Petition for review. No appeal as of right shall lie from the Court of Appeals to the Supreme Court. The Supreme Court will exercise its discretion to review an appeal decided by the Court of Appeals only on application by a party to the appeal, upon certification of the Court of Appeals, or if the Supreme Court decides the case is one that should have originally been assigned to the Supreme Court. In determining whether to grant a petition to review, the following, while neither controlling nor fully measuring the Supreme Court's discretion, indicate the character of reasons that will be considered: (i) the case was decided in the Court of Appeals by a tie vote, (ii) the Court of Appeals rendered a decision which is arguably in conflict with a prior holding of a published opinion of either the Supreme Court or the Court of Appeals, or (iii) the Court of Appeals arguably erred in some way related to one of the grounds listed in Rule 1-2(b).

~~(f)~~(e) Improper filing. No case filed in either the Supreme Court or the Court of Appeals shall be dismissed for having been filed in the wrong court but shall be transferred or certified to the proper court.

~~(g)~~(f) Allocation of workload. Notwithstanding the foregoing provisions, cases may be assigned and transferred between the courts by Supreme Court order to achieve a fair allocation of the appellate workload between the Supreme Court and the Court of Appeals.

~~(h)~~(g) In all appeals from criminal convictions or post-conviction relief matters heard in the Court of Appeals, the appellant shall not be required to petition for rehearing in the Court of Appeals or review in the Supreme Court following an adverse decision of the Court of Appeals in order to be deemed to have exhausted all available state remedies respecting a claim of error. When the claim has been presented to the Court of Appeals or the Supreme Court, and relief has been denied, the appellant shall be deemed to have exhausted all available state remedies.

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

.....

(h) Previous reference in ~~abstract or Addendum~~ the statement of the case and the facts. In no case will a rehearing petition be granted when it is based upon any fact thought to have been overlooked by the Court, unless reference has been clearly made to it in the ~~abstract of the transcript or the Addendum of the record~~ statement of the case and the facts prescribed by Rules 4-2 and ~~4-3~~.

.....

**Rule 3-1. Preparation of the record.**

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(f) Pagination. The circuit clerk’s portion of the record shall be consecutively paginated, including any papers under seal, and the cover of the circuit clerk’s portion shall be page one. The court reporter’s portion of the record shall be separately paginated, and the cover of the court reporter’s portion shall be page one.

~~(f)~~(g) Table of contents. Every record ~~The circuit clerk’s portion of the record and the court reporter’s portion of the record~~ shall each include a table of contents which refers to the pages in the record where the matter identified is copied. For example:

Complaint .....Page ~~4~~3

Answer ..... Page 4

Motion for Summary Judgment ..... Page 6

Exhibit A - Medical Records (completely redacted and filed under Seal).....Pages 8-15

Brief in Support of Summary Judgment (internal redactions with complete version filed under seal).....Page 16

Response to Motion for Summary .....Page 27

Exhibit A - Medical Records (internal redactions with complete version filed under seal) ..... Page 29

Brief Opposing Summary Judgment .....Page 34

Judgment .....Page 45

Notice of Appeal .....Page 47

~~Transcript of Hearing .....Page 49~~

~~The record shall be consecutively paginated, including any papers under seal.~~ The table of contents shall also list all documents filed under seal.

~~(g)~~(h) Fee for index. Clerks may add to their fee for the record a reasonable charge for these items where no charge is fixed by statute.

~~(h)~~(i) Record fee and costs certified. The fee for the production of the record must be certified in all cases; in addition, all costs in the circuit court must be reported, and by whom paid.

~~(i)~~(j) Clerk’s record and reporter’s transcript--Paper size and preparation.

The ~~transcript~~ record must be prepared in the digital equivalent of plain typewriting or computer or word processor printing of the first impression, not copies, on 8 1/2” x 11” paper. The record, as defined in paragraph ~~(m)~~ ~~[paragraph (n)]~~ (o) of this Rule, shall be fastened on the left of the page. All transcripts shall be prepared by certified court reporters and comport with the following rules:

- (1) No fewer than 25 typed lines on standard 8 1/2” x 11” paper;
- (2) No fewer than 9 or 10 characters to the typed inch;
- (3) Left-hand margins to be set at no more than 1 3/4”;
- (4) Right-hand margins to be set at no more than 3/8”;
- (5) Each question and answer to begin on a separate line;
- (6) Each question and answer to begin at the left-hand margin with no more than 5 spaces from the “Q” and “A” to the text;
- (7) Carry-over “Q” and “A” lines to begin at the left-hand margin;
- (8) Colloquy material, quoted material, parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;
- (9) All transcripts to be prepared in the lower case;

(10) All transcripts shall be prepared on only one side of the paper, not front and back;

(11) All transcripts of depositions shall comply with these Rules.

~~(j)~~(k) Exhibits. Documents of unusual bulk or weight shall not be transmitted by the clerk of the circuit court unless the clerk is directed to do so by a party or by the Clerk of the Court. Physical exhibits other than documents shall not be transmitted by the clerk of the circuit court except by order of the Court. When possible, exhibits shall be digitized, and the digital copies shall be included in the electronic record.

~~(k)~~(l) Folding of record. Records must be transmitted to the Clerk without being folded or creased.

~~(l)~~(m) Surveys. Real property surveys which form a part of the record shall not be fastened to the record.

~~(m)~~(n) Record in volumes. Where the record is ~~too large to be conveniently bound in one volume~~ 30 megabytes or larger, it shall be divided into separate ~~volumes of convenient size and numbered sequentially~~ files, each of which is less than 30 megabytes and is paginated continuously from the preceding file to the subsequent file. Any portion of the record filed under seal shall be a separate PDF file.

~~(n)~~(o) Definition of record. The term “record” in civil cases, and as used in these Rules, refers only to the pleadings, judgment, decree, order appealed, transcript, exhibits, and certificates.

~~(p)~~ Record of jury matters.

(1) The record shall not include the impaneling or swearing of the jury, the names of the jurors, or any motion, affidavit, order, or ruling in reference thereto unless expressly called for by a party’s designation of the record.

(2) Verdict forms, written jury instructions, and proffered jury instructions shall be inserted in the record when expressly identified by a party’s designation of the record.

(q) Exhibits. Photographs, charts, drawings and other documents that can be digitized shall be included. Documents of unusual bulk or weight shall not be transmitted by the clerk of the circuit court unless the clerk is directed to do so by a party or by the Clerk of the Court. Physical evidence, other than documents, shall not be transmitted unless directed by an order of the Court.

### **Rule 3-3. Record in Civil Cases.**

Not all records in civil cases will have the same contents. To the extent possible, items will be arranged in the following sequence:

#### (a) Circuit clerk's portion of the electronic appellate record.

1. The Complaint;
2. Plaintiff's exhibits which accompany the Complaint;
3. Statement regarding summons, set out in Rule 3-2(b);
4. Answer;
5. Defendant's exhibits which accompany the Answer;
6. Subsequent pleadings and orders in chronological order;
7. Final judgment, decree, or order appealed;
8. Post-judgment decree, order or motion (e.g., motions for new trial);
9. Orders granting or denying post-judgment motions;
10. Notice of appeal and designation of record;
11. Statement of points to be relied upon if abbreviated record designated;
12. Extensions of time to file record on appeal;
13. Stipulations to abbreviated records;
14. Narrative of testimony upon stipulations;
- ~~15. Depositions introduced;~~
- ~~16. Reporters; transcription of testimony;~~
- ~~17~~<sup>15</sup>. Supersedeas bond;
- ~~18~~<sup>16</sup>. Circuit clerk's certificate, duly acknowledged; and
- ~~19~~<sup>17</sup>. Certificate of costs of circuit clerk's portion of appellate record, indicating payor.

#### (b) Court reporter's portion of the electronic appellate record.

1. Transcription of proceedings;
2. Digitized transcript exhibits;
3. List of exhibits not included in the electronic transcript;

4. Court reporter's certificate; and
5. Court reporter's certificate of costs of the transcript, indicating payor.

#### **Rule 3-4. Record in Criminal Cases.**

Not all records in civil cases will have the same contents. To the extent possible, items will be arranged in the following sequence:

~~(a) Order of record. In all criminal cases, after the caption set forth in Rule 3-1, the record shall be organized in the following sequence:~~ (a) Circuit clerk's portion of the electronic appellate record.

1. Return of the indictment or information;
2. Defendant's pleadings;
3. Subsequent pleadings and orders in chronological order;
4. Final judgment and commitment or order appealed;
5. Verdict forms and written jury instructions;
6. Motion for new trial, to set aside, amend, etc.;
7. Order granting or denying above motions;
8. Notice of appeal and designation of record;
9. Extensions of time to file record on appeal;
- ~~10. Reporters' transcription of testimony;~~
- ~~11. Appeal bond;~~
- ~~12. Circuit clerk's certificate, duly acknowledged; and~~
12. Certificate of costs of circuit clerk's portion of appellate record, indicating payor.

(b) Court reporter's portion of the electronic appellate record.

1. Transcription of proceedings;
2. Digitized transcript exhibits;
3. List of exhibits not included in the electronic transcript;
4. Court reporter's certificate; and
5. Court reporter's certificate of costs of the transcript, indicating payor.

~~(b) *Record of jury matters.* (1) The record shall not include the impaneling or swearing of the jury, the names of the jurors, or any motion, affidavit, order, or ruling in reference thereto unless expressly called for by a party's designation of the record.~~

~~(2) Verdict forms, written jury instructions, and proffered jury instructions shall be inserted in the record when expressly identified by a party's designation of the record.~~

~~(c) *Exhibits.* Photographs, charts, drawings and other documents that can be inserted into the record shall be included. Documents of unusual bulk or weight shall not be transmitted by the clerk of the circuit court unless the clerk is directed to do so by a party or by the Clerk of the Court. Physical evidence, other than documents, shall not be transmitted unless directed by an order of the Court.~~

#### **4-1. Style of electronic briefs.**

~~(a) *Briefs – Size – Paper – Type.* All briefs shall be type written or produced with computer or word processing equipment. Briefs shall be of uniform size on opaque, unglazed 8” x 11” white paper and firmly bound on the left hand margin by staples or other binding devices. If staples are used, they should be covered by tape. *Format.* Briefs filed by represented parties shall be typewritten using word-processing software, shall be contained in a single electronic file, and shall be in word-searchable portable document format (PDF). PDF files shall be converted from the word-processing software from which they were created, rather than by scanning paper documents.~~

~~(b) *Spacing.* Briefs shall be double-spaced, except for quoted material, which may be single-spaced and indented. Footnote lines, except quotations, shall be double-spaced. Use of footnotes is not encouraged and should be used sparingly. Carbon copies are not acceptable, but copies produced by offset printing, positive photocopy, or other dry photo-duplicating process which produces a clearly legible black-on-white reproduction may be used. The abstract, statement of the case, argument, and addendum shall each be numbered sequentially from page one, and both sides of the page may be used.~~

~~(c) *Margins.* The margins at the top, outer edge, and bottom, and sides of each page shall be not less than one inch except that the top margin of the brief cover shall be not less than two inches to accommodate the file-mark and the margin at the binding edge shall be wide enough to allow the text to be read easily.~~

~~(d) *Font.* Typeface shall be proportionally spaced, shall not be less than 14 points, and must include serifs, but sans-serif type may be used in headings and captions. Commercial organizations or members of the bar maintaining equipment for duplicating may submit to the Clerk samples for prior approval. If the Clerk is~~

satisfied that such duplicating process will produce documents which conform to the specifications of this rule, it will be approved.

~~(b) Length of argument. Unless leave of the court is first obtained, the argument portion of a brief shall not exceed 30 double-spaced pages including the conclusion, if any. The appellant's reply brief shall not exceed 15 double-spaced pages and shall not include any supplemental abstract unless permitted by the court upon motion. Motions for an expansion of the page limit must set forth the reason or reasons for the request and must state that a good faith effort to comply with this rule has been made. The motion must specify the number of additional pages requested.~~

(c) *Pagination and bookmarks.* Briefs shall be paginated consecutively, and the cover page shall be page one. Briefs shall also be bookmarked for ease of navigation. There shall be a bookmark for each section of the brief referenced in Rule 4-2(a).

~~(c) Pro se briefs. Where the appellant in a criminal appeal is entitled to representation by counsel, pro se briefs will be accepted only when the appellant has filed an affidavit stating that the appellant has knowingly and intelligently refused the services of an attorney on appeal. Such a brief shall also be accompanied by an affidavit that the appellant has prepared it without the paid assistance of any other prison inmate.~~

~~(d)(f) *Compliance with Administrative Order No. 19 required.* All parts of all briefs, including the abstract and any document attached to any brief in the addendum, must comply with the protective requirements for confidential information established by Administrative Order No. 19. Counsel and unrepresented parties shall follow the redaction and filing procedure established by Arkansas Rule of Civil Procedure 5(c)(2)(A) & (B). That procedure includes (1) eliminating all unnecessary or irrelevant confidential information; (2) redacting all necessary and relevant confidential information; and (3) filing an unredacted version under seal. If the record contains confidential information that is neither necessary nor relevant for the appellate court's consideration of the case, then the party shall omit that information throughout the brief, including the abstract and addendum. If confidential information is integrated with necessary information, then the party should redact the confidential information in the abstract and addendum. In this situation, the party need not file an unredacted version of the brief. If the confidential information is necessary and relevant to a decision on appeal, pursuant to Rule 4-4, the party must file one redacted copy and seventeen unredacted copies of the brief for a total of eighteen copies. The unredacted copies shall be filed under seal. The cover of each brief shall indicate clearly whether it is REDACTED or UNREDACTED. Briefs shall comply with the requirements of Administrative Order Number 19 concerning confidential information and the following requirements.~~

(1) Redaction. Confidential information shall be redacted from appellate briefs in the manner described in Arkansas Rule of Civil Procedure 5(c).

(2) Redaction Not Required for Sealed Cases. If the entire record on appeal is sealed pursuant to statute, court rule, court order, or court practice, all briefs filed in the case shall be filed under seal, and no redaction is required.

(3) Unredacted briefs. If court review of any confidential information redacted from a brief is necessary to decide the appeal, the party filing the brief must file an unredacted version of the brief under seal. If court review of redacted confidential information is not necessary to decide the appeal, the party filing the brief is not required to file an unredacted brief.

~~(e) Noncompliance.~~ Briefs not in compliance with this rule shall not be accepted by the Clerk. When a party submits a brief on time that substantially complies with the rules, the Clerk may mark the brief “tendered,” grant the party a seven-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within seven (7) calendar days, then the Clerk shall accept that brief for filing on the date it is received.

#### **Rule 4-2. Contents of electronic briefs.**

~~(a) Contents~~ Appellants’ briefs. The contents of appellants’ the briefs shall be in the following order.

(1) Cover. On the cover of every brief there should appear the number and style of the case in the Supreme Court or Court of Appeals; a designation of the court from which the appeal is taken, and the name of its presiding judge; the title of the brief; and the name or names of counsel who prepared it, including their bar numbers, addresses, telephone numbers, and e-mail addresses.

~~(4)~~(2) Table of contents. Each brief must include a table of contents. It should reference the page number for, and include hyperlinks to, the beginning of each of the major sections identified in Rule 4-2(a)(2)-(10). The table must also list the contents of the abstract and the addendum. The name of each witness, and the abstract page number on which his or her testimony begins, must be included. The table must identify each document in the addendum, list the addendum page number where the document begins, and list the corresponding record page number.

~~(2) Informational statement and jurisdictional statement.~~ The Informational Statement and Jurisdictional Statement required by Supreme Court Rule 1-2(e).

(3) *Points on appeal.* The appellant shall list and separately number, concisely and without argument, the points relied upon for a reversal of the judgment or decree. The appellee must follow the same sequence and arrangement of points as contained in the appellant's brief and may then state additional points. Either party may insert under any point not more than two citations which the party considers the principal authorities on that point.

(4) *Table of authorities.* The table of authorities shall be an alphabetical listing of authorities with a designation of the page number of the brief on which the authority appears. The authorities shall be grouped as follows:

- (A) Cases
- (B) Statutes and Rules
- (C) Books and Treatises
- (D) Miscellaneous

~~(5) Abstract. The appellant shall create an abstract of the material parts of all the transcripts (stenographically reported material) in the record. Information in a transcript is material if the information is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.~~

~~(A) Contents. All material information recorded in a transcript (stenographically reported material) must be abstracted. Depending on the issues on appeal, material information may be found in, for example, counsel's statements and arguments, voir dire, testimony, objections, admissions of evidence, proffers, colloquies between the court and counsel, jury instructions (if transcribed), and rulings. All material parts of all hearing transcripts, trial transcripts, and deposition transcripts must be abstracted, even if they are an exhibit to a motion or other paper. Exhibits (other than transcripts) shall not be abstracted. Instead, material exhibits shall be copied and placed in the addendum. If an exhibit referred to in the abstract is in the addendum, then the abstract shall include a reference to the addendum page where the exhibit appears.~~

~~(B) Form. The abstract shall be an impartial condensation, without comment or emphasis, of the transcript (stenographically reported material). The abstract must not reproduce the transcript verbatim. No more than one page of a transcript shall be abstracted without giving a record page reference. In abstracting testimony, the first person ("I") rather than the third person ("He or She") shall be used. The question-and-answer format shall not be used. In the extraordinary situations where a short exchange cannot be converted to a first-person narrative without losing important meaning, however, the abstract may include brief quotations from the transcript.~~

~~(C) Miscellaneous. (i) In a second or subsequent appeal, material information from all transcripts filed in any prior appeal must be abstracted. (ii) If an abstract exceeds two hundred fifty pages, then the appellant may bind it separately from the other parts of the brief without filing a motion seeking permission from the appellate court to do so. (iii) To assist in the abstracting process, the court reporter shall provide the appellant at a nominal charge an electronic copy of the transcript. (iv) The Clerk will refuse to accept a brief if the abstract does not comply with this rule. The Clerk shall handle briefs with a noncompliant abstract pursuant to Rule 4-1(e) by marking the brief tendered and granting a seven-day compliance extension. As prescribed by Rule 4-1(d), the abstract must also comply with Administrative Order 19's redaction requirements for confidential information.~~

(5) Jurisdictional Statement. Briefs must contain a brief statement, supported by citations to applicable authority and to the pages of the appellate record, demonstrating the appellate court's jurisdiction. The statement must identify:

(A) Information demonstrating that the appeal is from a final order or judgment that disposes of all of the parties' claims, or information establishing the appellate court's jurisdiction on some other basis;

(B) The filing dates establishing the timeliness of the appeal; and

(C) Whether, under Supreme Court Rule 1-2, the appeal should be decided by the Arkansas Supreme Court or the Arkansas Court of Appeals.

~~(6) Statement of the case and the facts. The appellant's brief shall contain a concise statement of the case and the facts without argument. This statement, denoted as the "Statement of the Case," shall ordinarily not exceed two pages in length, and shall not exceed five pages without leave of the court. The pages of the statement of the case shall appear immediately before the argument and are not counted against the page limits of the argument set out in Rules 4-1(b) and 4-3(e). The statement of the case should be sufficient to enable the court to understand the nature of the case, the general fact situation, and the action taken by the trial court. The statement must include supporting page references to the abstract or addendum or both. The Clerk will refuse to accept a brief if the required references to the abstract or addendum are not included. The appellee's brief need not contain a statement of the case unless the appellant's statement is deemed to be controverted or insufficient. The statement shall identify and discuss all material factual and procedural information contained in the record on appeal. Information in the appellate record is material if the information is essential to understand the case and to decide the issues on appeal. All material information must be supported by citations to the pages of the appellate record where the information can be found.~~

(7) *Argument.* Arguments shall be presented under subheadings numbered to correspond to the outline of points to be relied upon. For each issue, the applicable standard of review shall be concisely stated at the beginning of the discussion of the issue. Citations of decisions of the Arkansas Supreme Court and Court of Appeals must be from the official reports, and all citations to both official and unofficial reports shall follow the format prescribed in Rule 5-2. All citations of decisions of any other court must state the style of the case and cite the official reporter (including a regional reporter so designated by the issuing court) in which the case is found. If the case is also reported by unofficial publishers, including an unofficial electronic database, one of these should also be cited. Reference in the argument portion of the parties' briefs to material found in the ~~abstract and addendum~~ appellate record shall be followed by a reference to the page number of the ~~abstract or addendum~~ appellate record at which such material may be found. ~~The number of pages for argument shall comply with Rule 4-1(b).~~

(8) Request for Relief. The appellant shall request, with specificity, all relief sought on appeal.

(9) Certificate of service. All briefs must include a certificate of service evidencing service of the brief in compliance with Rule 4-4(e).

(10) Certificate of Compliance with Administrative Order No. 19 and With Word-Count Limitations. All briefs must include a statement that the brief complies with Administrative Order No. 19's requirements concerning confidential information and that the brief conforms to the word-count limitations identified in Rule 4-2(d). The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must state the number of words in the document.

~~(8) Addendum.~~ The appellant's brief shall contain an addendum after the signature and certificate of service. The addendum shall contain true and legible copies of the non-transcript documents in the record on appeal that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The addendum shall not merely reproduce the entire record of trial court filings, nor shall it contain any document or material that is not in the record.

~~(A) Contents.~~ (i) ~~The addendum must include the following documents:~~

~~—the pleadings (as defined by Rule of Civil Procedure 7(a)) on which the circuit court decided each issue: complaint, answer, counterclaim, reply to counterclaim, cross-claim, answer to cross-claim, third-party complaint, and answer to third-party complaint. If any pleading was amended, the final version and any earlier version incorporated therein shall be included;~~

- ~~– all motions (including posttrial and postjudgment motions), responses, replies, exhibits, and related briefs, concerning the order, judgment, or ruling challenged on appeal. But if a transcript (stenographically reported material) of a hearing, deposition, or testimony is an exhibit to a motion or related paper, then the material parts of the transcript shall be abstracted, not included in the addendum. The addendum shall also contain a reference to the abstract pages where the transcript exhibit appears as abstracted;~~
- ~~– any document essential to an understanding of the case and the issues on appeal, such as a will, contract, lease, note, insurance policy, trust, or other writing;~~
- ~~– in a case where there was a jury trial, the jury’s verdict forms;~~
- ~~– defendant’s written waiver of right to trial by a jury;~~
- ~~– in a case where there was a bench trial, the court’s findings of fact and conclusions of law, if any;~~
- ~~– the order, judgment, decree, ruling, letter opinion, or administrative agency decision from which the appeal is taken. In workers’ compensation appeals, the administrative law judge’s opinion shall be included when it is adopted in the order of the full commission. If the order (however named) incorporates a bench ruling, then that ruling must be abstracted and the addendum must contain a reference to the abstract pages where the information appears as abstracted. The transcript (stenographically reported material) containing the ruling may also be copied in the addendum or omitted, at the appellant’s choice;~~
- ~~– all versions of the order (however named) being challenged on appeal if the court amended the order;~~
- ~~– any order adjudicating any claim against any party with or without prejudice;~~
- ~~– any Rule of Civil Procedure 54(b) certificate making an otherwise interlocutory order a final judgment;~~
- ~~– all notices of appeal; <sup>1</sup> any postjudgment motion that may have tolled the time for appeal, and is therefore necessary to decide whether a notice of appeal was timely filed;~~
- ~~– any motion to extend the time to file the record on appeal, and any related response, reply, or exhibit;~~
- ~~– any order extending the time to file the record on appeal; and~~
- ~~– any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. For example, docket sheets, superseded pleadings, discovery related documents, proffers of documentary evidence, jury instructions given or proffered, and exhibits (such as maps, plats, photographs, computer disks, CDs, DVDs).~~

~~(ii) Waiver of addendum obligation. If an exhibit or other item in the record cannot be reproduced in the addendum, then the party making the addendum must file a motion seeking a waiver of the addendum obligation.~~

~~(B) Form. Each page in the addendum must also show the record page number where the original is located. Each document must be a complete and legible copy of the original, clearly showing any file mark. If an addendum exceeds two hundred fifty pages, then a party may bind it separately from the rest of the brief without filing a motion seeking permission from the appellate court to do so.~~

~~(C) Supplemental addendum. An appellee may include a supplemental addendum containing any document in the record on which the appellee relies in its brief and that is absent from the appellant's addendum. A cross-appellant shall likewise limit any supplemental addendum to documents of record not contained in the appellant's addendum but necessary to demonstrate appellate jurisdiction over, and to decide the issues in, the cross appeal. A cross-appellee may include a non-duplicative supplemental addendum limited to documents concerning the cross appeal.~~

~~(D) Miscellaneous. If the Clerk determines that the addendum does not comply with this rule, he or she shall refuse to accept a brief. The Clerk shall handle briefs with a noncompliant addendum pursuant to Rule 4-1(e) by marking the brief tendered and granting a seven-day compliance extension. As prescribed by Rule 4-1(d), the addendum must also comply with Administrative Order 19's redaction requirements for confidential information.~~

~~(9) Cover for briefs. On the cover of every brief there should appear the number and style of the case in the Supreme Court or Court of Appeals, a designation of the court from which the appeal is taken, and the name of its presiding judge, the title of the brief (e.g., "Abstract, Addendum, and Brief for Appellant"), and the name or names of individual counsel who prepared the brief, including their bar numbers, addresses, telephone and facsimile numbers, and e-mail addresses. If the brief contains multiple volumes, the volume number should appear on the cover of each volume near the bottom of the cover page.~~

(b) Appellees' briefs. Appellees' briefs shall conform to the requirements of Rule 4-2(a) except that appellees may, but are not required to, submit a jurisdictional statement and a statement of the case and facts. Appellees may adopt by reference all or part of the appellant's jurisdictional statement or statement of the case and the facts and may respond to or supplement those statements if the appellee controverts them or believes them to be insufficient.

(c) Reply Briefs. Reply briefs shall contain a cover, a table of contents, a table of authorities an argument, a certificate of service, and a certificate of compliance with Administrative Order No. 19 and with the word-count limitations contained in Rule 4-2(d).

(d) Word-Count Limitations: Briefs shall comply with the word-count limitations identified below, and only the jurisdictional statement, the statement of the case and the facts, the argument, and the request for relief shall be counted against these limitations. The cover, the table of contents, the points on appeal, the table of authorities, the certificate of service, the certificate of compliance, and any list of adverse rulings required by Rule 4-3(a) shall not count against these limitations.

(1) Appellants' brief and appellees' briefs. Appellants' briefs and appellees' briefs shall be no longer than 8600 words.

(2) Reply briefs. Reply briefs shall be no longer than 2875 words.

(3) Appellees/cross-appellants' briefs. If an appellee is also a cross-appellant, the argument on cross-appeal shall appear after the appellee's argument in the brief, and appellee/cross-appellant's brief shall be no longer than 14,325 words.

(4) Reply/cross-appellees' briefs. If the appellant is also a cross-appellee, the cross-appellee's argument shall follow the appellant's argument in reply, and the reply/cross-appellee's brief shall be no longer than 11,475 words.

(e) Motions for expansion of word-count limitations. Motions for an expansion of the word-count limitations must set forth the reason or reasons for the request, must state that a good faith effort to comply with this rule has been made, and must specify the number of additional words requested.

~~(b) Insufficiency of appellant's abstract or addendum.~~ Motions to dismiss the appeal for insufficiency of the appellant's abstract or addendum will not be recognized. Deficiencies in the appellant's abstract or addendum will ordinarily come to the court's attention and be handled in one of four ways as follows:

~~(1) If the appellee considers the appellant's abstract or addendum to be defective, the appellee's brief should call the deficiencies to the court's attention and may, at the appellee's option, contain a supplemental abstract or addendum. When the case is considered on its merits, the court may upon motion impose or withhold costs, including attorney's fees, to compensate either party for the other party's noncompliance with this rule. In seeking an award of costs under this paragraph, counsel must submit a statement showing the cost of the supplemental abstract or addendum and a certificate of counsel showing the amount of time that was devoted to the preparation of the supplemental abstract or addendum.~~

~~(2) If the case has not yet been submitted to the court for decision, an appellant may file a motion to supplement the abstract or addendum and file a substituted brief. Subject to the court's discretion, the court will routinely grant such a motion and give the appellant fifteen days within which to file the substituted abstract, addendum, and brief. If the appellee has already filed its brief, upon the filing of appellant's substituted abstract, addendum, and brief,~~

~~the appellee will be afforded an opportunity to revise or supplement its brief, at the expense of the appellant or the appellant's counsel, as the court may, upon motion, direct.~~

~~(3) Whether or not the appellee has called attention to deficiencies in the appellant's abstract or Addendum, the Court may address the question at any time. If the Court finds the abstract or Addendum to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and has fifteen days within which to file a substituted abstract, Addendum, and brief, at his or her own expense, to conform to Rule 4-2 (a)(5) and (8). Mere modifications of the original brief by the appellant, as by interlineation, will not be accepted by the Clerk. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise or supplement the brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, Addendum and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the Rule.~~

~~(4) If the appellate court determines that deficiencies or omissions in the abstract or addendum need to be corrected, but complete rebriefing is not needed, then the court will order the appellant to file a supplemental abstract or addendum within seven calendar days to provide the additional materials from the record to the members of the appellate court.~~

~~(c) Noncompliance. (1) Briefs not in compliance with the format required in Rules 4-1 and 4-2 shall not be accepted for filing by the Clerk. When a party submits a noncompliant brief on time that substantially complies with the rules governing briefs, the Clerk shall mark the brief "tendered," grant the party a seven-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within seven (7) calendar days, then the Clerk shall accept that brief for filing on the date it is received.~~

~~(2) If after a brief has been accepted for filing, it is determined that an appellee's brief is deficient or an appellant's brief is deficient in areas not addressed in Rule 4-2(b)(3), the court may give the party fifteen days to cure the noncompliance under the procedure described in Rule 4-2 (b)(3). If the problem is not timely corrected, then the court will take appropriate action, including affirming the judgment or decree at cost to the appellant, or otherwise giving judgment according to the requirements of the case.~~

~~(3) After the opportunity to cure deficiencies has been afforded pursuant to Rule 4-2(b)(3) or (c)(2), attorneys who fail to comply with the requirements of this rule may be referred to the Office of Professional Conduct, and in addition, may be subject to any of the following: (A) contempt, (B) suspension of the privilege to practice before the Supreme Court or Court of Appeals for a specified time or until the attorney can demonstrate a satisfactory competency of the rules, or (C) imposition of any of the sanctions listed in Rule 11(c) of the Rules of Appellate Procedure-Civil.~~

**Rule 4-3. Briefs in Criminal Cases Special rules for briefs in cases where defendant is sentenced to life imprisonment or death and for no-merit briefs.**

~~(a) Electronic filing. Briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts. Parties filing any brief electronically shall provide six paper copies of the brief to the Clerk within five days of the filing date. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties conventionally filing shall provide six paper copies of the brief at the time of filing.~~

~~(b) Appellant's brief. The appellant shall have 40 days from the date the transcript is lodged to file the appellant's brief with the Clerk. The appellant shall furnish evidence of service upon opposing counsel and the circuit court, except as otherwise provided in (f). As provided in (a), the appellant shall provide paper copies of the brief within five days of the filing date.~~

~~(c) Appellee's brief. The appellee shall have 30 days from the filing of the appellant's brief to file the appellee's brief with the Clerk and such further abstract and Addendum as may be necessary to a fair determination of the case. Proof of service upon opposing counsel and the circuit court is required, except as otherwise provided in (f). As provided in (a), the appellee shall provide paper copies of the brief within five days of the filing date.~~

~~(d) Reply brief. The appellant shall have 15 days from the date that the appellee's brief is filed to file the reply brief and furnish evidence of service upon the opposing counsel and the circuit court. As provided in (a), the appellant shall provide paper copies of the brief within five days of the filing date.~~

~~(e) Page limits on briefs. The argument portion of the appellant's and the appellee's briefs shall not exceed 30 double-spaced typewritten pages including the conclusion, if any, with a 15 typewritten page limit upon the reply brief, except that if either limitation is shown to be too stringent in a particular case, and there has been a good faith effort to comply with the page limits, it may be waived on motion.~~

~~(f) Sealing of child pornography. If a brief contains photographs, DVDs, or any other visual medium alleged by either party to the appeal to constitute child pornography, a motion to seal the brief, stating the reason therefor, must accompany the brief when it is filed with the Clerk of the Court. Only the court, its personnel, and the attorneys of record shall be provided with copies of briefs containing the materials to be sealed. All other persons to be served with the brief shall receive copies which do not contain the materials to be sealed.~~

~~(g) Misdemeanor cases subject to dismissal. In misdemeanor cases, failure of the appellant to file a brief within the time limit renders the case subject to dismissal as in civil cases pursuant to Rule 4-5.~~

~~(h) Appellant's duty to abstract record. In all felony cases it is the duty of the appellant, whether represented by retained counsel, appointed counsel or a public defender, or acting pro se, to abstract such parts of the transcript and to include in the Addendum such parts of the record, but only such parts, as are material to the points to be argued in the appellant's brief.~~

~~(i)(a) Court's review of errors in death or life imprisonment cases. When the sentence is death or life imprisonment, the Court must review all errors prejudicial to the appellant in accordance with Ark. Code Ann. Sec. 16-91-113(a). To make that review possible, the appellant must abstract, or include in the Addendum, as appropriate, in addition to the contents required by Rule 4-2, a list of all rulings adverse to him or her made by the circuit court on all objections, motions and requests made by either party, and the list must include the information needed for an understanding of each adverse ruling and the page number where each adverse ruling is located in the appellate record. The Attorney General will make certain and certify that all of those objections have been abstracted, or included in the Addendum, listed and will brief all points argued by the appellant and any other points that appear to involve prejudicial error.~~

~~(j) Preparation of briefs for indigent appellants. When an indigent appellant is represented by appointed counsel or a public defender, the attorney may have the briefs reproduced by submitting one unbound double-spaced typewritten manuscript to the Attorney General and one to the Clerk not later than the due date of the brief. In such instances, the time for the filing of the Attorney General's brief is extended by five days.~~

~~(k)(b) Withdrawal of counsel and no-merit briefs in criminal, juvenile-delinquency, and involuntary-commitment cases.~~

(1) Any motion by counsel for a defendant in a criminal, or a juvenile-delinquency, or an involuntary-commitment case for permission to withdraw made after notice of appeal has been given shall be addressed to the Court, shall contain a statement of the reason for the request and shall be served upon the defendant personally by first-class mail. A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief ~~including an abstract and Addendum~~. The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal. The ~~abstract and Addendum~~ brief's statement of the case and the facts of the brief shall contain, in addition to the other material parts of the record, all rulings adverse to the defendant made by the circuit court and the page number where each adverse ruling is located in the appellate record.

(2) The Clerk shall furnish the appellant with a copy of the appellant's counsel's brief, and advise the appellant that he or she has 30 days within which to raise any points that

he or she chooses, and that this may be done in typewritten or hand printed form and accompanied by an affidavit that no paid assistance from any inmate of the Department of Correction or of any other place of incarceration has been received in the preparation of the response.

(3) The Clerk shall serve all such responses by an appellant on the Attorney General, who shall file a brief for the State, ~~pursuant to sections (e) and (j) of this Rule,~~ within 30 days after such service and serve a copy on the appellant, as well as on the appellant's counsel.

(4) After a reply brief has been filed, or after the time for filing such a brief has expired, the motion for withdrawal and the briefs shall be submitted to the Court as other ~~motions cases~~ are submitted. If, upon consideration of the motion or briefs, it shall appear to the Court that the judgment of the circuit court should be affirmed or reversed, the Court may take such action on its own motion, without any supporting opinion.

~~(f) Continuances and extensions of time.~~

~~—(1) The Clerk or a deputy clerk may extend the due date of any brief by seven (7) calendar days upon oral or electronically filed request. If such an extension is granted, no further extension shall be granted except by the Clerk for compliance with these Rules as provided in Rule 4-2(c) or by the Court upon a written motion showing good cause.~~

~~—(2) Stipulations of counsel for continuances will not be recognized. Any request for an extension of time (except in (d)(1)) for the filing of any brief must be made by a written motion, addressed to the Court, setting forth the facts supporting the request. Counsel who delay the filing of such a motion until it is too late for the brief to be filed if the motion is denied, do so at their own risk.~~

**Rule 4-4. Filing and service of briefs in Civil Cases.**

(a) *Electronic Filing.* Briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts. ~~Parties filing electronically shall provide six paper copies of the brief to the Clerk within five days of the filing date. No paper copies are required.~~ Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings consistent with Rule 4-7. ~~Parties filings conventionally shall provide six paper copies of the brief at the time of filing.~~

(b) *Appellant's brief.* In all ~~civil~~ cases the appellant shall, within 40 days of lodging the record, file the appellant's brief with the Clerk ~~and furnish evidence of service upon opposing counsel and the circuit court.~~ Each copy of the appellant's brief shall contain every item ~~required by Rule 4-2.~~

~~When a party has determined that confidential information is necessary and relevant to the appellate court's consideration of the case, redaction shall be done pursuant to Rule 4-1(d), and the party shall file one redacted copy and six unredacted copies of the appellant's brief. The unredacted copies shall be filed under seal. The cover of each brief shall indicate clearly whether it is REDACTED or UNREDACTED.~~

~~(c) *Appellee's brief and appellee/cross-appellant's brief.* The appellee shall file the appellee's brief, and any further abstract or addendum thought necessary, within 30 days after the appellant's brief is filed, and furnish evidence of service upon opposing counsel and the circuit court. If the appellee's brief has a supplemental abstract or addendum, it shall be compiled in accordance with Rule 4-2 and included in or with each copy of the brief. This rule shall apply to cross-appellants. If the cross-appellant is also the appellee, the two separate arguments mayshall be contained in one brief, but each argument is limited to 30 pages and the brief shall comply with the requirements of Rule 4-2(d)(3).~~

~~When a party has determined that confidential information is necessary and relevant to the appellate court's consideration of the case, redaction shall be done pursuant to Rule 4-1(d), and the party shall file one redacted copy and six unredacted copies of the appellant's brief or cross-appellant's brief. The unredacted copies shall be filed under seal. The cover of each brief shall indicate clearly whether it is REDACTED or UNREDACTED.~~

~~(d) *Reply brief, reply/cross-appellee's brief, and cross-appellant's reply brief.* The appellant may file a reply brief within fifteen days after the appellee's brief is filed and shall furnish evidence of service upon opposing counsel and the circuit court. If the appellant is also a cross-appellee, the two separate arguments shall be contained in one brief, and the brief shall comply with the requirements of Rule 4-2(d)(4). This rule shall apply to the Any cross-appellant's reply brief ~~except it must~~shall be filed within fifteen days after the cross-appellee's brief is filed.~~

~~When a party has determined that confidential information is necessary and relevant to the appellate court's consideration of the case, redaction shall be done pursuant to Rule 4-1(d), and the party shall file one redacted copy and six unredacted copies of the reply brief or cross-appellant's reply brief. The unredacted copies shall be filed under seal. The cover of each brief shall indicate clearly whether it is REDACTED or UNREDACTED.~~

~~(e) *Evidence of Service of Briefs.* Briefs shall be served on opposing counsel and the circuit court by any method permitted by Arkansas Rule of Civil Procedure 5(b) and Administrative Order No. 21 (7). Briefs tendered to the Clerk will not be filed unless evidence of service upon opposing counsel and the circuit court has been furnished to the Clerk. Such evidence may be in the form of a letter signed by counsel, naming the attorney or attorneys and the circuit court to whom copies of the brief have been mailed or delivered. Evidence of service shall be included in each brief and shall comply with the requirements of Arkansas Rule of Civil Procedure 5(e).~~

(f) *Submission.* The case shall be subject to call on the next Thursday (in the Supreme Court) or Wednesday (in the Court of Appeals) after the expiration of the time allowed for filing the reply brief of the appellant or the cross-appellant. After the case has been submitted to the court for decision, the court will not consider motions to dismiss because of settlement or notice of settlement.

(g) *Noncompliance with Briefing Rules.*

(1) Noncompliance discovered at the time of filing. Briefs not in compliance with Rules 4-1, 4-2, 4-3, and 4-4 shall not be accepted for filing by the Clerk. When a party timely submits a noncompliant brief that substantially complies with the rules governing briefs, the Clerk shall mark the brief “tendered,” grant the party a seven-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within seven calendar days, then the Clerk shall accept that brief for filing on the date it is received.

(2) Noncompliance discovered after filing. Motions to dismiss the appeal for insufficiency of briefs will not be recognized. Deficiencies in the appellants’ briefs will ordinarily come to the court’s attention and be handled in one of the following ways:

(A) If the appellee considers the appellant’s brief to be defective, the appellee’s brief should call the deficiencies to the court’s attention and may, at the appellee’s option, contain a supplemental statement of the case and facts. When the case is considered on its merits, the court may upon motion impose or withhold costs, including attorney’s fees, to compensate either party for the other party’s noncompliance with court rules. In seeking an award of costs under this paragraph, counsel must submit a statement showing the cost of the supplemental statement of the case and facts and a certificate of counsel showing the amount of time that was devoted to the preparation of the supplement.

(B) If the case has not yet been submitted to the court for decision, an appellant may file a motion to supplement the brief or to file a substituted brief. Subject to the court’s discretion, the court will routinely grant such a motion and give the appellant fifteen days within which to file the supplemental or substituted brief. If the appellee has already filed its brief, upon the filing of appellant’s supplemental or substituted brief, the appellee will be afforded an opportunity to revise or supplement its brief, at the expense of the appellant or the appellant’s counsel, as the court may, upon motion, direct.

(C) Regardless of whether the appellee has called attention to deficiencies in the appellant's brief, the Court may address the question at any time. If the Court finds the brief to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and that he or she has fifteen days within which to file a substituted brief, at his or her own expense. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise the appellee's brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying brief within the prescribed time, the judgment or decree may be affirmed or the appeal dismissed for noncompliance with the Rule.

(D) If the appellate court determines that deficiencies or omissions in the brief need to be corrected, but complete rebriefing is not needed, then the court will order the appellant to file a supplemental brief within seven calendar days to provide the additional information from the record to the members of the appellate court.

(E) After the opportunity to cure deficiencies has been afforded, attorneys who fail to comply with the requirements of this rule may be referred to the Office of Professional Conduct and may be subject to any of the following: (i) contempt, (ii) suspension of the privilege to practice before the Supreme Court or Court of Appeals for a specified time or until the attorney can demonstrate a satisfactory knowledge of the rules, or (iii) imposition of any of the sanctions listed in Rule 11(c) of the Rules of Appellate Procedure-Civil.

*(h) Continuances and extensions of time.*

(1) The Clerk or a deputy clerk may extend the due date of any brief by seven (7) calendar days upon oral or electronically filed request. The party requesting a Clerk's extension must confirm the extension by sending a letter immediately to the Clerk or the deputy clerk with a copy to all counsel of record and any pro se party. If such an extension is granted, no further extension shall be granted except by the Clerk for compliance with these Rules as provided in Rule 4-2(c) or by the Court upon a written motion showing good cause.

(2) Stipulations of counsel for continuances will not be recognized. Any request for an extension of time (except in (g)(1) and (h)(1)) for the filing of any brief must be made by a written motion, addressed to the Court, setting forth the facts supporting the request. Counsel who delay the filing of such a motion until it is too late for the brief to be filed if the motion is denied, do so at their own risk.

(i) Briefs not required in unemployment compensation cases. Unemployment compensation cases appealed from the Arkansas Board of Review may be submitted to the Court of Appeals for decision as soon as the transcript is filed, unless the petition for review shows it is filed by an attorney, or notice of intent to file a brief for the appellant is filed with the Clerk prior to the filing of the transcript.

**Rule 4-5. Failure to file briefs in civil and misdemeanor cases.**

If the appellant's brief has not been filed in a civil case or in a misdemeanor case within the time allowed by Rule 4-4, the Court may dismiss the appeal and affirm the judgment or decree at cost to the appellant. When the appellee has failed to appear and file a brief, the Court may, when the case is called for submission, proceed and give judgment according to the requirements of the case.

**Rule 4-7. ~~Briefs in Postconviction and Certain Civil Actions Where Appellant is Incarcerated and Proceeding Pro se~~ briefs.**

~~(a) **Applicability.** This rule shall govern pro se briefs filed by incarcerated persons in appeals of Rule 37.1 postconviction orders and civil appeals from the denial of relief with regard to petitions for writs of habeas corpus, declaratory judgment, mandamus, and other petitions pertaining to the appellant's conviction of a criminal offense and/or incarceration. Except for the provisions contained in this rule, briefs filed by pro se parties shall otherwise comply with the Rules of the Supreme Court and Court of Appeals. Substantial compliance with this rule shall be sufficient.~~

~~(b)(a) **Style of pro se briefs.** A pro se brief may be handwritten, typed or produced with computer or word processing equipment. Briefs filed by self-represented parties shall substantially comply with Rules 4-1, 4-2, and 4-4 except that they may be handwritten and filed in conventional paper form. A handwritten brief shall be clearly legible, shall not exceed 30 lines per page and 15 words per line with left-hand and right-hand margins of at least one and 1 1/2 inches and upper and lower margins of at least 2 inches. The argument section of a handwritten brief shall be no longer than 30 pages. Briefs shall be of uniform size on 8 1/2 x 11 inch paper and firmly bound on the left hand margin by staples or other binding devices. Typed briefs shall be double-spaced, except for quoted material, which may be single-spaced and indented. Footnotes, except quotations therein, shall be double-spaced. Use of footnotes is not encouraged and should be used sparingly. ~~Carbon copies are not acceptable, but copies produced by offset printing, positive photocopy, or other dry photo duplicating process which produces a clearly legible black on white reproduction may be used.~~ Each page in the brief should be numbered sequentially with Page 1 being the ~~first page of the argument.~~ The brief need not be signed by the appellant.~~

~~(2) *Length of argument.* Unless leave of the court is first obtained, the argument portion of a brief shall not exceed 30 double-spaced pages including the conclusion, if any. The appellant's reply brief shall not exceed 15 double-spaced pages and shall not include any supplemental addendum unless permitted by the court upon motion. Motions for an expansion of the page limit must set forth the reason or reasons for the request. The motion must specify the number of additional pages requested.~~

~~(3)(b) *Affidavit.* If the pro se appellant is incarcerated received assistance in the preparation of the content of a brief, the brief shall also be accompanied by a notarized affidavit that the appellant has prepared it without the paid assistance of any other prison inmate. Where the appellant in a criminal appeal is entitled to representation by counsel, pro se briefs will be accepted only when the appellant has filed an affidavit stating that the appellant has knowingly and intelligently refused the services of an attorney on appeal. Such a brief shall also be accompanied by an affidavit that the appellant has prepared it without the paid assistance of any other prison inmate.~~

~~(c) *Contents of briefs.*~~

~~(1) *Contents.* The contents of the brief shall be in the following order:~~

~~(A) *Argument.* The appellant shall state each issue to be argued and then set out the argument in support of that issue. All citations of decisions of any court must state the name of the case and the volume number and page where the case may be found.~~

~~(B) *Addendum.* The appellant's brief shall contain an Addendum, which consists of photocopies of documents from the record. The Addendum shall include true and legible photocopies of at least the original pleading, order from which the appeal is taken, and the notice of appeal. The appellee may prepare a supplemental Addendum if material on which the appellant relies is not in the appellant's Addendum. Only documents that are part of the record may be included in the Addendum.~~

~~(2) *Cover for briefs.* On the cover of the brief there should appear the docket number and name of the case, the name of the court from which the appeal is taken, the title of the brief, and the name of the appellant.~~

~~(3) *Insufficiency of appellant's Addendum.* Motions to dismiss the appeal for insufficiency of the appellant's Addendum will not be recognized. Deficiencies in the appellant's Addendum will ordinarily come to the Court's attention and be handled in one of three ways as follows:~~

~~(A) If the appellee considers the appellant's Addendum to be defective, the appellee's brief should call the deficiencies to the Court's attention and may, at the appellee's option, contain a supplemental Addendum.~~

~~(B) If the case has not yet been submitted to the Court for decision, an appellant may file a motion to supplement the Addendum and for leave to file a substituted brief. Subject to the~~

~~Court's discretion, the Court may grant such a motion and allow the appellant 30 days within which to file the substituted brief. If the appellee has already filed its brief, upon the filing of appellant's substituted brief, the appellee will be afforded an opportunity to file a substituted brief within 15 days.~~

~~(C) Whether the appellee has called attention to deficiencies in the appellant's Addendum, the Court may address the question at any time. If the Court finds the Addendum to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and has 30 days within which to file a substituted brief. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to file a substituted brief within 15 days. If after the opportunity to cure the deficiencies, the appellant fails to file a complying brief within the prescribed time, the circuit court's order may be affirmed for noncompliance with the Rule.~~

~~(4)(c) Noncompliance.~~ Briefs not in substantial compliance with this Rule shall not be accepted for filing by the Clerk. When a party submits a brief on time that does not substantially comply with these Rules, the Clerk shall mark the brief "tendered," grant the party a 14-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within fourteen calendar days, then the Clerk shall accept that brief for filing on the date it is received.

~~(d) Number of briefs, and time for filing, and page limitations.~~ Six One copies of all pro se briefs shall be filed by the deadlines set forth in Rule 4-4.

~~(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.

~~(4)(e) Continuances and extensions of time.~~ The Clerk or a deputy clerk may extend the due date of any brief by 7 seven calendar days upon oral or letter request. If such an extension is granted, no further extension shall be granted except by the Court upon a written motion showing good cause.

~~Rule 4-8. Procedure for no-merit briefs, pro se points, and responses in involuntary commitment cases.~~

~~(a) After studying the record and researching the law, if appellant's counsel in an involuntary commitment case determines that the appellant has no meritorious basis for appeal, then counsel may file a no-merit brief and move to withdraw. Counsel's no-merit brief must include the following information:~~

~~(1) The argument section of the brief shall list all adverse rulings to the appellant made by the circuit court on all objections, motions, and requests made by the party at the hearing from which the appeal arose and explain why each adverse ruling is not a meritorious ground for reversal.~~

~~(2) The abstract and addendum shall contain all rulings adverse to the appellant made by the circuit court at the hearing from which the order of appeal arose.~~

~~(b) Appellee is not required to, but may, respond to a no-merit brief. Appellee may file a concurrence letter supporting the no-merit brief. Any appellee's response shall be filed within thirty (30) days of the filing of the no-merit brief.~~

~~(c) The Clerk of the Supreme Court shall mail the appellant, at the appellant's last known address, a copy of the no-merit brief and the motion to withdraw. The Clerk shall notify the appellant in writing that the appellant may raise any points that the appellant chooses and that these points may be typewritten or hand-printed. The Clerk shall also notify the appellant that the points must be received by the Supreme Court Clerk by mail or other method of delivery within thirty (30) days from the date that the Clerk mailed the appellant the notification.~~

~~(d) The Clerk shall mail a copy of appellant's points to the appellee and appellant's counsel within three (3) business days after receiving them.~~

~~(e) Appellee is not required to respond to appellant's points. Appellee may do so, however, by filing a response within thirty (30) days of the date the points were received by the Clerk of the Supreme Court.~~

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

(a) Extraordinary writs

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(2) The petitioner is required to electronically 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.

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**Rule 6-9. Rule for appeals in dependency-neglect cases.**

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(d) *Transmission of Record.* Absent extraordinary circumstances, the record on appeal shall be electronically filed with the Clerk of the Supreme Court within seventy (70) days of the filing of the Notice of Appeal. Within sixty (60) days after the filing of the Notice of Appeal and Designation of Record (Form 1), the court reporter shall provide the record to the Circuit Clerk who shall have no longer than five (5) days to prepare the record, including any transcripts and exhibits, to be transmitted for submission to Clerk of the Supreme Court. After the record has been duly certified by the Circuit Clerk, it shall be the responsibility of the appellant to transmit the record to the Clerk of the Supreme Court for filing.

(e) ~~Petition on Appeal~~*Appellants' Briefs.* (4) Within thirty 30 days after transmission of the record to the Clerk of the Supreme Court, the appellant shall file an appellant's brief that complies with Rule 4-2(a) and that shall also include a completed "Petition on Appeal" form (Form 2). ~~Petitions on appeal~~ Appellants' briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. ~~Parties filing electronically shall provide six paper copies of their petition to the Clerk within five days from the date of filing.~~ Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide ~~six~~ one paper copies of the ~~petition~~ brief at the time of filing.

~~(2) The petition shall not exceed twenty-five pages, excluding the abstract and addendum, and shall include:~~

~~(A) A statement of the nature of the case and the relief sought;~~

~~(B) A concise statement of the material facts as they relate to the issues presented in the petition on appeal that is sufficient to enable the appellate court to understand the nature of the case, the general fact situation, and the action taken by the circuit court. This statement must also summarize the circuit court order appealed from and recite the date the order was entered. (References to pages in the abstract and addendum are required.);~~

~~(C) An abstract or abridgment of the transcript that consists of an impartial condensation of only such material parts of the testimony of the witnesses and colloquies between the court and counsel and other parties as are necessary to an understanding of all questions presented to the court for decision. In the abstracting of testimony, the first person (i.e., “I”) rather than the third person (i.e., “He, She”) shall be used. Not more than one page of the transcript shall in any instance be abstracted without a page reference to the record.~~

~~(D) A concise statement of the legal issues presented for appeal, including a statement of how the issues arose; and a discussion of the legal authority on which the party is relying with citation to supporting statutes, case law, or other legal authority for the issues raised. Citations of decisions of the court which are officially reported must be from the official reports. All citations of decisions of any court must state the style of the case and the book and page in which the case is found. If the case is also reported by one or more unofficial publishers, these should also be cited, if possible.~~

~~(E) Following the signature and certificate of service, the appellant’s petition shall contain an addendum which shall include true and legible photocopies of the order, judgment, decree, ruling, or letter opinion from which the appeal is taken, a copy of the notice of appeal, and any other relevant pleadings, documents, or exhibits essential to an understanding of the case, which may include, but are not limited to, affidavits, petitions, case plan, court reports, court orders, or other exhibits entered into the record during the hearing from which the appeal arose, and all orders entered in the case prior to the order on appeal. The addendum shall include an index of its contents and shall also designate where any item appearing in the addendum can be found in the record.~~

~~(f) Response to Petition on Appeal or Cross Appeal Appellees’ Briefs and Cross-Appellants’ Briefs. (1) Within twenty (20) days after filing of the appellant’s petition on appeal brief, any appellee may file an appellee’s brief or an appellee/cross-appellant’s brief that complies with Rules 4-2(b) and that includes a completed “response to the petition on appeal or cross-appeal” form (Form 3). Responses to petitions on appeal Appellees’ briefs and appellee/cross-appellants’ briefs shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. Parties filing electronically shall provide six paper copies of the petition to the Clerk within five days of the filing date. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide six one paper copys of the petition brief at the time of filing.~~

~~(2) The response shall not exceed twenty five pages, excluding the abstract and addendum and shall include:~~

~~(A) A concise statement of the material facts as they relate to the issues presented by the appellant, as well as the issues, if any, being raised by the appellee on cross appeal, that is sufficient to enable the appellate court to understand the nature of the case, the general fact situation, and the action taken by the circuit court. (References to pages in the abstract and addendum are required.)~~

~~(B) A concise response to the legal issues presented on appeal and cross appeal, if any, including a statement of how the issue arose; a discussion of the legal authority on which the party is relying with citation to supporting statutes, case law, or other legal authority for the issues raised. Citations of decisions of the court which are officially reported must be from the official reports. All citations~~

of decisions of any court must state the style of the case and the book and page in which the case is found. If the case is also reported by one or more unofficial publishers, these should also be cited, if possible.

~~(C) If the appellee considers the appellant's abstract or addendum to be defective or incomplete, the appellee may provide a supplemental abstract or addendum. The appellee's addendum shall only include an item which the appellant's addendum fails to include.~~

~~(3)(g) *Reply Briefs, Reply/Cross-Appellees' Briefs, and Cross-Appellants' Reply Briefs.* The appellant will have ten (10) calendar days after appellee's response or petition on cross appeal brief or appellee/cross-appellant's brief is filed to file a reply brief or reply/cross-appellee's brief that complies with Rule 4-2(c) to the response or the petition on cross appeal. If appellee files a cross-appellant's brief petition on cross appeal and the appellant has filed a cross-appellee's brief response to the petition on cross appeal, the appellee will have ten (10) calendar days to file a cross-appellant's reply brief reply to appellant's response to the petition on cross appeal. The briefs reply shall be filed using the electronic filing system provided by the Administrative Office of the Courts, and no paper copies are required. Parties electronically filing shall provide six paper copies of their reply to the Clerk within five days from the date of filing. Any person proceeding pro se and any person with a disability or special need that prevents him or her from filing electronically shall be permitted to submit conventional paper filings. Parties filing conventionally shall provide six one paper copies of the petition brief at the time of filing.~~

~~(g)(h) *Extensions.* The Clerk of the Supreme Court shall have the authority to grant one (1) seven-day extension for completion of the record and one (1) seven-day extension to any party to the appeal to file the appellant's brief or the appellee's brief. petition or the response to the petition. The extension shall be computed from the date the petition or response brief was originally due. Absent extraordinary circumstances, no other extensions shall be granted.~~

~~(h)(i) *Style, Content, and Filing of Petition Briefs.* Briefs in dependency-neglect cases shall comply with the content, style, and filing requirements of Rules 4-1, 4-2, and 4-4 except when Rule 6-9 provides differently. The style of the Petition on Appeal, Response, and Cross-Appeal shall follow the style of briefs as described by Rule 4-1 of the Rules of the Supreme Court except where a style is specifically described by these rules. Reference to any minor in the Notice of Appeal, Notice of Cross Appeal, Petition for Appeal, Petition for Cross Appeal, and responses briefs shall be by the minor's initials. Other parties seeking anonymity shall comply with Rule 6-3 of the Rules of the Supreme Court and Court of Appeals.~~

~~(i)(j) *Procedure for No-Merit Petitions Briefs, Pro Se Points, and State's Response.*~~

(1) After studying the record and researching the law, if appellant's counsel determines that the appellant has no meritorious basis for appeal, then counsel may file a no-merit petition brief and move to withdraw. In addition to the requirement set forth in subsection (e), counsel's no-merit petition brief must include the following:

(A) The argument section of the petition brief shall list all adverse rulings to the appellant made by the circuit court on all objections, motions, and requests made by the party at the hearing from which the appeal arose and explain why each adverse ruling is not a meritorious ground for reversal.

(B) The ~~abstract and addendum~~ statement of the case and the facts shall contain all rulings adverse to the appellant, made by the Circuit Court at the hearing from which the order of appeal arose.

(2) Appellees are not required to, but may, respond to a no-merit ~~petition~~brief. Appellees may file a concurrence letter supporting the no-merit ~~petition~~ brief. Any response by an appellee shall be filed within twenty (20) days of the filing of the no-merit ~~petition~~brief.

(3) The Clerk of the Supreme Court shall mail the appellant, at the appellant's last known address, a copy of the no-merit ~~petition~~ brief and the motion to withdraw. The Clerk shall notify the appellant in writing that the appellant may raise any points that the appellant chooses and that these points may be typewritten or hand-printed. The Clerk shall also notify the appellant that the points shall be received by the Supreme Court Clerk by mail or other method of delivery within thirty (30) days from the date the Clerk mailed the appellant the notification.

(4) The Clerk shall provide appellant's points by electronic transmission or other method of delivery to the Department of Human Services - Office of Chief Counsel, the Attorney Ad Litem, and appellant's counsel within three (3) business days.

(5) The Arkansas Department of Human Services shall respond and any other appellees may respond to appellant's pro se points by filing a/the response within twenty (20) days of receipt by the Clerk of the Supreme Court of the appellant's pro se points.

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## **Rules of Appellate Procedure – Civil**

### **Rule 7. Certification, format, and transmission of record.**

(a) Certification. The clerk of the circuit court that entered the judgment, decree, or order from which the appeal is taken shall certify the record as being a true and correct copy of the record as designated by the parties.

(b) Format.

(1) The record shall be saved as searchable and bookmarked portable document format (PDF) files. Bookmarks shall be made to each document in the record and the beginning of each witness's testimony.

(2) The PDF page numbers shall correspond to the record page numbers.

(3) If there is a transcribed portion of the record, that transcribed portion shall be saved and paginated as a separate PDF file pursuant to Rule 3-1(f) of the Arkansas Rules of Appellate Procedure – Civil.

(4) If either the circuit clerk's portion or the court reporter's portion of the electronic record is 30 megabytes or larger, that portion shall be divided into separate files for purposes of filing, and each file shall be less than 30 megabytes. The name of each PDF volume shall indicate the page numbers of the record contained in that volume.

(5) If the record contains exhibits or other items that cannot be digitized, those exhibits that were not digitized shall be filed conventionally, and the rest of the record shall be filed electronically and shall include a log describing those items that were not digitized.

~~(b)~~(c) Transmission. After the record has been duly certified by the clerk, it shall be the responsibility of the appellant to electronically transmit such record to the clerk of the appellate court for filing and docketing. Any image alleged to be pornography shall be filed conventionally and not electronically. Pursuant to Administrative Order 21, any person proceeding pro se and any person with a disability or special need that prevents electronic filing shall be entitled to submit conventional paper filings.

## **Rules of Appellate Procedure – Criminal**

### **Rule 3. Appeal by state.**

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(c) When a notice of appeal is filed pursuant to either subsection (a) or (b) of this rule, the clerk of the court in which the prosecution sought to be appealed took place shall immediately cause an electronically formatted transcript of the trial record to be made and electronically transmitted to the attorney general, or delivered to the prosecuting attorney, to be by him delivered to the attorney general. If the attorney general, on inspecting the trial record, is satisfied that error has been committed to the prejudice of the state, and that review by the Supreme Court is desirable under this rule, he may take the appeal by electronically filing the transcript of the trial record with the clerk of the Supreme Court within sixty (60) days after the filing of the notice of appeal.

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