



ARKANSAS JUDICIARY

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Rule 4-6. Amici Curiae Briefs.

(a) *Permission required; Scope limited.* Briefs of amici curiae may be filed only with permission of the court, obtained on motion as provided in this rule. The briefs shall be limited to matters in the record on appeal and shall address only the issues raised by the parties at the appellate level. No new issues shall be introduced.

(b) *Motion for permission; How and when filed.* (i) A motion for permission to file an amicus brief shall be filed at any time after the filing of the appellee's brief but no later than the day that the appellant's reply brief is due. It shall not exceed five double-spaced typewritten pages and shall not include a memorandum of authorities but shall otherwise comply with Rule 2-1.

(ii) The motion shall be accompanied by the proposed amicus brief and shall state whether the brief supports the appellant's or appellee's position or is neutral.

(iii) The motion shall specify the nature of the movant's interest and set forth with particularity the reasons why the amicus brief is necessary. The motion shall contain the following statement: "The movant has read the briefs of the appellant and appellee, and the amicus brief is necessary to address the following issue(s): _____ [list issue(s).]"

(c) *Disclosures.* A brief filed under this rule shall indicate: (i) whether counsel for a party authored the brief in whole or in part, and (ii) whether such counsel or a party made a monetary contribution intended to fund the preparation or submission of the brief or otherwise collaborated in the preparation or submission of the brief. It shall also identify every person or entity, other than the amici curiae, its members, or its counsel, who made such monetary contribution to the brief or collaborated in its preparation. These disclosures shall be made in an unnumbered footnote on the first page of the argument section of the brief.

(d) *Oral arguments.* Attorneys for amici curiae will not be permitted to participate in oral arguments.

(e) *Petitions for rehearing.* Attorneys for amici curiae will not be permitted to file a petition for rehearing or to join in the petition of a party.

Comment Text:

Reporter's Notes (2018 Amendments):

See *Ferguson v. Brick*, 279 Ark. 168, 649 S.W.2d 397 (1983) (Amicus briefs are limited to the facts proven at trial and the points raised by the parties on appeal, and the movant seeking permission to file the brief must show why it is necessary.)

This rule was rewritten in 2018. The revised rule changes the time to file the motion until after the appellee's brief is filed (paragraph (b)). The movant must set out why the amicus brief is necessary. In addition, paragraph (c) requires certain disclosures to be made.

History Text:

Amended December 7, 2017, effective January 1, 2018.

Associated Court Rules:

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

Group Title:

Article IV. Briefs

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