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Rule 2-1. Motions, Petitions, and Responses, General Rules.

(a) Writing required. All motions, petitions, and responses filed in the appellate courts must be in writing and comply with the requirements of Rule 4-1(a) in regard to the style of briefs. All motions, petitions, and responses, except for those that require the payment of any fee or that are case initiating, shall be filed using the electronic filing system provided by the Administrative Office of the Courts. However, persons proceeding pro se and persons with disabilities or special needs that prevent electronic filing shall be entitled to submit conventional paper filings.

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

(c) Service. Evidence of service of a motion, petition, or response upon opposing counsel must be furnished at the time of filing.

(d) Response. A response may be filed within 10 calendar days of the filing of a motion or petition. Evidence of service is required.

(e) Memorandum of authorities. With any motion, petition, application for temporary relief, or other action of the court that is sought before the regular submission of the case, the moving party shall file and serve upon opposing counsel or an unrepresented party a short citation of statutes, rules of court, and other authorities upon which the movant or petitioner relies. Any party responding to any such motion, petition, or application shall likewise file a memorandum of authorities.

(f) Compliance with Administrative Order 19 required. Every motion, petition, response, similar paper, memorandum of authorities, and any document attached to any of those papers, must comply with the protective requirements for confidential information established by Administrative Order 19. Counsel and unrepresented parties shall follow the redaction and filing procedure established by 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.

(g) Motions for reconsideration. Any motion to reconsider the appellate court's order deciding any motion or petition must be filed no later than eighteen calendar days after the date of the

order.

(h) Page length. Except as otherwise provided in these rules, a motion, petition, or response, including the memorandum of authorities and supporting brief, if any, but excluding any exhibits, shall not exceed ten 8" x 11" double-spaced, typewritten pages and shall comply with the provisions of Rule 4-1(a), except that motions, petitions, or responses and supporting documents are not to be bound as set forth in Rule 4-1(a) but are to be stapled with a single staple in the top left-hand corner of the page. 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.

Comment Text:

Addition to Reporter's Notes, 2012 Amendment: Prior to the 2012 amendment, this rule applied only to "motions." Because filings in the appellate court may also take the form of "petitions" and "responses," the amendment expands the rule to cover petitions and responses. The 2012 amendments also add subsection (h). The introductory clause to subsection (h) makes it clear that the 10-page limit of this rule is preempted by a Supreme Court rule setting a different page limit with respect to a particular motion, petition, or response. For example, Supreme Court Rule 2-4 limits petitions for review to three pages, and subsection (h) does not change that limit.

Addition to Reporter's Notes, 2014 Amendment: Rule 2-1(a) & (h) required that all motions, petitions, and responses filed in the appellate courts in excess of three pages be bound in compliance with the requirements of Rule 4-1(a) which is applied by reference in Rule 2-1 (a) & (h). This requirement created a problem for the Clerk's office because when the documents are received in the office, the bindings are removed for copying, scanning, and filing, etc. Rule 2-1(a) & (h) is amended to prescribe that the documents to which the rule applies are to be stapled in the top left-hand corner, rather than bound.

History Text:

Amended March 13, 2014, effective July 1, 2014; amended September 15, 2016, effective September 21, 2016.

Associated Court Rules:

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

Group Title:

Article II. Petitions and Motions

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