ARKANSAS JUDICIARY
Published on *Arkansas Judiciary* (https://courts.arkansas.gov)

Rule 6-6. Pauper's Oath And Motions For Attorney's Fees In Criminal Cases.

(a)*Jurisdiction of request to proceed in forma pauperis.* When a criminal case is appealed to the Supreme Court or Court of Appeals, a request to proceed in forma pauperis may be filed with the appellate court at any time after the record is docketed with the clerk of the court. Prior to the docketing of the record with the clerk of the appellate court, the trial court shall have exclusive jurisdiction to consider a request to proceed in forma pauperis. Any petition or motion requesting to proceed in forma pauperis that is filed with the appellate court before the record is docketed with the clerk of the court shall be returned for failure to comply with this Rule.

(b) *Pauper's oath and affidavit; requirement*. A petition or motion filed with the Supreme Court or Court of Appeals requesting to proceed in forma pauperis be accompanied by an assertion of indigency, verified by a supporting affidavit. The affidavit form will be provided by the Clerk of the Court for such purposes. Any petition or motion not in compliance with this Rule will be returned to the petitioner or counsel for failure to comply.

(c) *Form for affidavit in support of request to proceed in forma pauperis*. The form of the affidavit shall be as follows:

IN THE SUPREME COURT OF ARKANSAS OR ARKANSAS COURT OF APPEALS _____ PETITIONER V. NO. ___ STATE OF ARKANSAS RESPONDENT AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS I, _____, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress. I further swear that the responses which I have made to questions and instructions below are true. 1. Are you presently employed? Yes ___ No ___ (a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. (b) If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. 2. Have you received within the past twelve months any money from any of the following sources? (a) Business, profession or any form of self-employment? Yes ___ No ___ (b) Rent payments, interest or dividends? Yes ___ No ___ (c) Pensions, annuities or life insurance payments? Yes ___ No ___ (d) Gifts or inheritances? Yes ___ No ___ (e) Any other sources? Yes ___ No ___ If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months. 3. Do you own any cash, or do you have money in a checking or savings account? Yes ___ No ___ If the answer is yes, state the total amount in each account. 4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? Yes ___ No ___ If the answer is yes, describe the property and state its approximate value. 5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute

toward their support. 6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION. Do you have any funds in the inmate welfare funds? Yes ___ No ___ If the answer is yes, state the total amount in such account and have the certificate found below completed by the authorized officer of the institution. I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury. _____ Signature of Petitioner STATE OF _____ COUNTY OF _____ Petitioner, _____, being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct. SUBSCRIBED AND SWORN to before me this _____ day of _____, 19__. _____ Notary Public My commission expires: _____ ..... CERTIFICATE (To be completed by authorized officer of penal institution) I hereby certify that the petitioner herein, _____ _____, has the sum of $ _____ on account to his/her credit at the _____ institution where he/she is confined. I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution: _____ _____ Authorized Officer of Institution

(d) *Content of motions for attorney's fees*. All motions for attorney's fees from attorneys appointed to represent indigent appellants in criminal cases shall contain the following information: (1) the date of appointment; (2) the court which appointed counsel; (3) the number of hours expended by counsel in research, court appearances, and preparation of pleadings and briefs; (4) counsel's customary rate of compensation in similar cases; (5) the customary rate of compensation in similar cases of attorneys in the community; (6) expenses incurred by counsel which are directly attributable to the case; (7) the experience of counsel in the representation of criminal appellants; and (8) the relative complexity of the case. The motion shall be filed not later than 30 days after the issuance of the mandate.

Comment Text:

Reporter's Notes, 2013 Amendment. The 2013 amendment added subsection (c) to clarify which court has jurisdiction to consider a request to proceed in forma pauperis.

History Text:

Amended and effective by per curiam order Sep. 26, 2013.

Associated Court Rules:
Rules of the Supreme Court and Court of Appeals of the State of Arkansas
Group Title:
Article VI. Special Proceedings

Source URL: https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-6-6-paupers-oath-and-motions-attorneys-fees