

# SUPREME COURT OF ARKANSAS

No.

IN RE ADOPTION OF SUPREME  
COURT AND COURT OF APPEALS  
RULE 1-8. COURTESY ELECTRONIC  
COPIES

Opinion Delivered June 6, 2013

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## PER CURIAM

The Supreme Court and Court of Appeals are moving toward electronic filing as soon as all of the issues, including those related to technology and rule changes, can be resolved. We are not too far off, but as an interim step, we are adopting Rule 1.8 of the Rules of the Supreme Court and Court of Appeals to serve as a bridge until full electronic filing is available in the Arkansas appellate courts. This rule providing for courtesy electronic filings has been vetted by our Committee on Civil Practice to obtain input from judges and lawyers, as well as by appropriate personnel in the clerk's office, the Administrative Office of the Courts, and the courts' staff. We especially thank the Committee on Civil Practice for its work on this rule and its expedited handling of it.

Courtesy electronic filing in PDF format of motions, petitions, writs, briefs, responses, and replies filed in the appellate court will enhance the ability of members of the appellate courts and court personnel to review these documents. Moreover, the burden on the Supreme Court Clerk's staff to scan paper documents into electronic PDF format is

significantly relieved. The rule imposes a minimal burden on parties submitting the documents because the documents required to be filed in PDF format are often created in PDF contemporaneously with their original composition, or the documents can easily be converted into PDF format by the word processing program on which they were originally composed.

The rule encourages, but does not require, that the case record be submitted in PDF format. The rule also encourages, but does not require, that PDF documents be submitted in text-searchable format by which electronic searches may be made for particular words or data within the documents.

The submission of PDF documents does not constitute filing or serving the documents. Filing and service of the original paper documents in accordance with the court's rules are still required for the filing and service to be legally effective. In addition, the PDF files submitted must not contain material not included in the original paper documents, and the files must be free of computer viruses. Because of the risks associated with opening email attachments, submission of documents by email is not allowed.

Other aspects of the rule are further explained in the Reporter's Notes, including naming of files, redaction, file size, the media on which the PDF documents are submitted, and the certification.

Today, we adopt and publish, as set out below, Rule 1.8 of the Rules of the Supreme Court and Court of Appeals to be effective August 1, 2013. With the adoption of this rule and the submission of electronic copies, we are terminating, effective July 31, 2013, the

voluntary pilot program for the filing of electronic briefs that was established in 2007. *See In re Establishment of a Voluntary Pilot Program for the Filing of Electronic Briefs, excluding the Addendum, in the Supreme Court and Court of Appeals*, 370 Ark. App'x 618 (2007) (per curiam).

## ARKANSAS RULES OF THE SUPREME COURT AND COURT OF APPEALS

### **RULE 1-8. Courtesy electronic copies.**

(a) Motions, petitions, writs, briefs, responses, and replies filed in the appellate court, except those filed by a party proceeding pro se or by a party who by court order has been allowed to prosecute the suit in forma pauperis, shall be submitted with an electronic copy of those documents in Adobe Portable Document Format (PDF). Submission in PDF of circuit court records or parts of records filed in the appellate court is encouraged but not required. Submission of PDF documents in text-searchable Adobe Portable Document Format is also encouraged but not required.

(b) If original paper documents required by this rule to also be submitted in PDF are filed in both redacted and unredacted versions, redacted and unredacted PDF versions of the documents as required for the paper documents by these rules and related Arkansas Rule of Civil Procedure 5(c)(2)(A) & (B) and Administrative Order No. 19 also shall be submitted.

(c) PDF files submitted under this rule shall comply with the following size and naming requirements:

(1) Files in excess of 10 megabytes shall be provided in multiple parts, and the file names shall clearly indicate the part number and number of parts (example, part 1 of 2).

(2) Files shall comply with the following naming convention (see example below):

- A. Short Title of the case followed by one space;
- B. Docket Number followed by one space;
- C. Document title, beginning with filing party designation followed by one space;
- D. If a multi-part file, the designation "part x of y" (example, part 1 of 2) preceded by and followed by one space, where x is the part number and y is the number of parts into which the file has been divided followed by one space;
- E. The letter "U" for an unredacted PDF version of the paper document submitted or "R" for a redacted PDF file.
- F. File format designation preceded by a period (.pdf).

Other than the period preceding the file format and hyphens in the docket number, file names shall not include non-alphanumeric characters.

*EXAMPLE OF FILE NAME FORMAT:*

State v Jones CR-12-100 Appellees Reply Brief Part 1 of 3 R.pdf

(d) PDF documents submitted under this rule shall not contain any material that is not included in the original paper document. Submitting a PDF copy of the original paper document to the Clerk of the Court does not constitute filing of the original paper document. PDF documents filed pursuant to this rule are solely for the convenience of the court, attorneys, and parties. Parties and their attorneys must comply with the filing and service requirements for the original paper document provided by these rules. No signature is required on a PDF document, but a signature may be indicated by typing /s/, inserting a digital image of the signature into the document, or using a digital signature.

(e) PDF documents shall be free of computer viruses.

(f) PDF documents shall be submitted on a Compact Disk (CD), Digital Video Disk (DVD), portable “flash” or “thumb” drive, or on other electronic media that may be commonly used for transporting digital information. Only one electronic media copy of PDF documents shall be submitted with the filing of the original paper documents. PDF documents shall not be submitted by email. Evidence of service upon opposing counsel of the electronic media containing the PDF documents must be furnished at the time of filing the original paper documents.

(g) Unless electronically filed pursuant to Administrative Order Number 21, PDF documents shall not be file marked and shall not be a part of the official court record.

(h) Every paper filing for which a PDF document is submitted shall include the following certification:

Case Name:

Docket Number:

Title of Document:

**CERTIFICATE OF COMPLIANCE AND IDENTIFICATION OF PAPER DOCUMENTS NOT IN PDF FORMAT**

**Certification: I hereby certify that:**

I have submitted and served on opposing counsel an unredacted and, if required, a redacted PDF document(s) that comply with the Rules of the Supreme Court and Court of Appeals. The PDF document(s) are identical to the corresponding parts of

the paper document(s) from which they were created as filed with the court. To the best of my knowledge, information, and belief formed after scanning the PDF documents for viruses with an antivirus program, the PDF documents are free of computer viruses. A copy of this certificate has been submitted with the paper copies filed with the court and has been served on all opposing parties.

**Identification of paper documents not in PDF format:**

The following original paper documents are not in PDF format and are not included in the PDF document(s):

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(Signature of filing party)

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(Printed name)

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(Firm)

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(Date)

**Reporter's Notes to Rule 1-8 (2013 adoption):** Rule 1-8 serves several purposes: (1) by requiring that motions, petitions, writs, briefs, responses, and replies filed in the appellate court also be submitted in electronic PDF format, the rule allows the members of the appellate courts and court personnel to review those documents and other documents submitted in PDF format with modern computer and other portable electronic equipment; (2) the burden on the Supreme Court Clerk's staff to scan paper documents into electronic PDF format is significantly relieved; and (3) electronic filing of the prescribed documents and other documents as provided in the rule serves as a transitional step toward the anticipated requirement of electronic filing of documents in the Arkansas appellate courts (*see* Administrative Order No. 21.—Electronic Filing).

The rule imposes a minimal burden on parties submitting the documents to which the rule applies. The motions, petitions, writs, briefs, responses, and replies required to be filed in PDF format are often created in PDF contemporaneously with the original composition of those documents or the documents can easily be converted into PDF format by the word processing program in which they were originally composed. The rule encourages, but does not require, that the case record be submitted in PDF format. The rule also encourages, but

does not require, that PDF documents be submitted in text-searchable format by which electronic searches may be made for particular words or data within the documents.

Subsection (b) applies the same redaction standards for confidential information contained in the PDF documents that are applicable to the original paper documents filed with the court. PDF files must be assigned names in accordance with the file naming convention standards of the rule established by subsection (c). A helpful guide to applying the file naming convention standard is provided by an example of a file name that follows immediately after the explanation of the file naming convention standard requirement. Subsection (c) also requires that PDF files in excess of 10 megabytes in size be divided into separate parts each of which must be no larger than 10 megabytes with each part identified in the file name as required by the file naming convention standard.

Subsection (d) clarifies that submission of PDF documents does not constitute filing or serving the documents as required by the Rules of the Supreme Court and Court of Appeals. Filing and service of the original paper documents in accordance with the rules are still required for the filing and service to be legally effective. In addition, the PDF files submitted must not contain material not included in the original paper documents and subsection (e) requires that the files be free of computer viruses.

Subsection (f) prescribes that PDF documents are to be submitted only on a Compact Disk (CD), Digital Video Disk (DVD), portable “flash” or “thumb” drive, or other similar electronic media. Because of the risks associated with opening email attachments, submission of documents by email is not allowed. Under subsection (h) the paper filing for which PDF documents are submitted must include a certification that the PDF documents have been submitted and served as required by the rule, that the PDF documents are identical to the corresponding paper documents, and that to the best of the knowledge, information and belief of the person submitting the PDF documents they are free of computer viruses after having been scanned by an antivirus program. The person submitting the PDF documents must also identify original paper documents filed in connection with the appeal that are not in PDF format.