

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1107

By: Representative Thompson

For An Act To Be Entitled

AN ACT TO AMEND SUPREME COURT RULE 5-2 PURSUANT
TO SECTION 9 OF AMENDMENT 80 TO THE ARKANSAS
CONSTITUTION TO PERMIT UNPUBLISHED OPINIONS OF
THE COURT OF APPEALS TO BE CITED BY COURTS OR IN
MATERIALS PRESENTED TO COURTS; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AMEND SUPREME COURT RULE 5-2.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Pursuant to section 9 of Amendment 80 to the Arkansas
Constitution, Supreme Court Rule 5-2 is amended to read as follows:

Rule 5-2. Opinions.

(a) Supreme court – Signed opinions. All signed opinions of the Supreme
Court shall be designated for publication.

(b) Court of appeals – Opinion form. Opinions of the Court of Appeals
may be in conventional form or in memorandum form. They shall be filed with
the Clerk. The opinions need not contain a detailed statement of the facts,
but may set forth only such matters as may be necessary to an understandable
discussion of the errors urged. In appeals from decisions of the Arkansas
Board of Review in unemployment compensation cases, when the Court finds the
decision appealed from is supported by substantial evidence, that there is an
absence of fraud, no error of law appears in the record, and an opinion would
have no precedential value, the order may be affirmed without opinion.

(c) Court of appeals – Published opinions. Opinions of the Court of



1 Appeals which resolve novel or unusual questions will be released for
2 publication when the opinions are announced and filed with the Clerk. The
3 Court of Appeals may consider the question of whether to publish an opinion
4 at its decision-making conference and at that time, if appropriate, make a
5 tentative decision not to publish. Concurring and dissenting opinions will be
6 published only if the majority opinion is published. All opinions that are
7 not to be published shall be marked "Not Designated for Publication."

8 (d) Court of appeals – Unpublished opinions . Opinions of the court of
9 appeals not designated for publication shall not be published in the Arkansas
10 Reports ~~and shall not be cited, quoted or referred to by any court or in any~~
11 ~~argument, brief, or other materials presented to any court (except in~~
12 ~~continuing or related litigation upon an issue such as res judicata,~~
13 ~~collateral estoppel, or law of the case).~~ Opinions not designated for
14 publication shall be listed in the Arkansas Reports by case number, style,
15 date, and disposition.

16 (e) Copies of all opinions. In every case the Clerk will furnish,
17 without charge, one typewritten copy of all of the Court's published or
18 unpublished opinions in the case to counsel for every party on whose behalf a
19 separate brief was filed. The charge for additional copies is fixed by
20 statute.