

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1606

5 By: Representative Love  
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## For An Act To Be Entitled

8 AN ACT TO ALLOW ATTORNEYS' FEES IN CERTAIN ACTIONS;  
9 AND FOR OTHER PURPOSES.  
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## Subtitle

12 TO ALLOW ATTORNEYS' FEES IN CERTAIN  
13 ACTIONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 14-51-308(e), concerning the right of  
20 appeal, is amended to read as follows:

21 (e)(1)(A) A right of appeal by the city or employee is given from any  
22 decision of the commission to the circuit court within the jurisdiction of  
23 which the commission is situated.

24 (B)(i) The appeal shall be taken by filing with the  
25 commission, within thirty (30) days from the date of the decision, a notice  
26 of appeal. The responsibility of filing an appeal shall be brought by the  
27 party desiring to appeal the commission's decision and paying for the  
28 transcript of the proceedings before the municipal civil service commission  
29 shall be ~~borne~~ brought by the ~~party desiring to appeal the commission's~~  
30 ~~decision~~ municipality.

31 (ii) ~~The commission will upon~~ Upon receiving notice  
32 of an appeal, the commission will prepare a written order containing its  
33 decision and ensure that the transcript and evidence be made available for  
34 filing in the circuit court ~~once the appealing party has paid the cost of~~  
35 ~~preparing the transcript~~.

36 (iii) However, if the court determines that the



1 ~~party appealing the commission's decision took the appeal in good faith and~~  
 2 ~~with reasonable cause to believe he or she would prevail, the commission~~  
 3 ~~shall reimburse the appealing party for the cost of the transcript employee~~  
 4 ~~was disciplined for just cause and the appealing party did not take the~~  
 5 ~~commission's decision in good faith and with reasonable cause to believe that~~  
 6 ~~he or she would prevail, the court may charge the cost of the transcript~~  
 7 ~~against the appealing party. If the employee prevails in the appeal, the~~  
 8 ~~circuit court may award the employee reasonable attorney's fees for the~~  
 9 ~~proceedings in circuit court.~~

10 (C)(i) The court shall review the commission's decision on  
 11 the record and may, in addition, hear testimony or allow the introduction of  
 12 any further evidence upon the request of either the city or the employee.

13 (ii) The testimony or evidence must be competent and  
 14 otherwise admissible.

15 (2)(A) A right of appeal is also given from any action from the  
 16 circuit court to the ~~Arkansas~~ Supreme Court.

17 (B) The appeal shall be governed by the rules of procedure  
 18 provided by law for appeals from the circuit court to the ~~Arkansas~~ Supreme  
 19 Court.

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