

Cite as 2026 Ark. 19

SUPREME COURT OF ARKANSAS

IN RE ARKANSAS SUPREME
COURT COMMITTEE ON CIVIL
PRACTICE – RECOMMENDATIONS
TO AMEND RULE 4(F)(4) OF THE
ARKANSAS RULES OF CIVIL
PROCEDURE

Opinion Delivered: February 5, 2026

PER CURIAM

The Arkansas Supreme Court’s Committee on Civil Practice submitted this recommendation for a change to Rule 4(f)(4) of the Arkansas Rules of Civil Procedure. We now publish this proposed amendment for comment before the court considers the change. The comment period shall end on April 1, 2026. Comments should be submitted in writing to: Kyle E. Burton, Clerk of the Arkansas Supreme Court, Attention: Amendments to Arkansas Rules of Civil Procedure, Justice Building, 625 Marshall Street, Little Rock, AR 72201, or by email: rulescomments@arcourts.gov. The amendments are shown in “line-in, line-out” form.

Rule 4. Summons and Service of Process.

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(f) *Personal Service Inside the State.* Service of process shall be made inside the state as follows:

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(4) *Incarcerated Persons.* Service on a person incarcerated in any jail, penitentiary, or other correctional facility in this state shall be on the administrator of the institution, the person in charge of the jail, penitentiary, or other correctional facility at the time of service, or the on-site agent, secretary, or assistant of the administrator or the person in charge of the jail, penitentiary, or other correctional facility at the time of service, who shall promptly deliver the process to the incarcerated person. A copy of the process shall also be sent to the incarcerated person by first-class mail and marked as “legal mail” and, unless the court otherwise directs to his or her spouse, if any.

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Addition to Reporter’s Notes, 2026 Amendment. Service upon inmates by service on the “administrator” of a jail or correctional facility has proven to be problematic as a practical matter. Actually locating the administrator and serving that person is often impractical. This amendment addresses those difficulties. It provides for service on “the person in charge” if the actual administrator is away at the time service is attempted, relying on the notion that someone must always be left in charge. It also allows for service upon “the agent, secretary, or assistant” of the administrator or the person in charge. This language is borrowed directly from the provisions of Rule 4 addressing service on corporations and limited liability companies where it has worked well. See Ark. R. Civ. P. 4(f)(5) & (6).