



ARKANSAS JUDICIARY

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## **Rule 2-3. Petitions For Rehearing.**

- (a) Filing and service. A petition for rehearing, a brief in support of the petition, and evidence of service of the petition, brief, and a certificate of merit stating that the petition is not filed for the purpose of delay, shall be filed within 18 calendar days from the date of decision.
- (b) Response. The respondent may file a brief on the following Monday (in the Supreme Court) or Wednesday (in the Court of Appeals) or within seven calendar days from the filing of the petition for rehearing, whichever last occurs, or may, on or before that time, obtain an extension of one week upon written motion to the Court.
- (c) Additional time. Neither party will be granted further time than as indicated above, except upon written motion to the Court and a showing of illness of counsel or other unavoidable casualty.
- (d) Number of copies to be filed. The petition must be filed with the Clerk, and no copies are required. A copy must be served upon opposing counsel.
- (e) Page length. In all cases, both civil and criminal, the petition and supporting brief, if any, including the style of the case and the certificate of counsel, shall not exceed ten 8 1/2" x 11" double-spaced, typewritten pages.
- (f) Ground(s) stated. The petition must specifically state the ground(s) relied upon.
- (g) Entire case not to be reargued. The petition for rehearing should be used to call attention to specific errors of law or fact which the opinion is thought to contain. Counsel are expected to argue the case fully in the original briefs, and the brief on rehearing is not intended to afford an opportunity for a mere repetition of the argument already considered by the Court.
- (h) Previous reference in abstract or Addendum. In no case will a rehearing petition be granted when it is based upon any fact thought to have been overlooked by the Court, unless reference has been clearly made to it in the abstract of the transcript or the Addendum of the record prescribed by Rules 4-2 and 4-3.
- (i) No oral argument. Oral argument will not be permitted on a petition for rehearing.
- (j) Limited to one petition. A party may submit only one petition for rehearing.

(k) New counsel. Litigants will not be permitted to substitute new counsel for the purpose of filing a petition for rehearing. Additional counsel may, however, participate in a petition for rehearing, or in opposition to the petition, by joining with the original counsel in the petition and brief, or by obtaining permission of the Court by motion.

(l) Compliance with Administrative Order 19 required. Every petition for rehearing, brief in support, and brief in response must comply with the protective requirements for confidential information established by Administrative Order 19. Counsel and unrepresented parties shall follow the redaction and filing procedure established by Rule of Civil Procedure 5(c)(2)(A) & (B). That procedure includes: (1) eliminating all unnecessary or irrelevant confidential information; (2) redacting all necessary and relevant confidential information; and (3) filing an unredacted version under seal.

**Comment Text:**

**Reporter's Notes (2019).**

Subdivision (e) was amended to reconcile it with Rule 2-1(a) regarding binding and stapling.

**History Text:**

Amended and effective June 21, 2018; amended October 18, 2018, effective January 1, 2019.

**Associated Court Rules:**

Rules of the Supreme Court and Court of Appeals of the State of Arkansas

**Group Title:**

Article II. Petitions and Motions

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**Source URL:** <https://www.arcourts.gov/rules-and-administrative-orders/court-rules/rule-2-3-petitions-rehearing>