

Cite as 2026 Ark. 110

SUPREME COURT OF ARKANSAS

IN RE ARKANSAS SUPREME
COURT COMMITTEE ON CIVIL
PRACTICE – RECOMMENDATIONS
TO AMEND RULE 54(E)(2) OF THE
ARKANSAS RULES OF CIVIL
PROCEDURE

Opinion Delivered: June 4, 2026

PER CURIAM

The Arkansas Supreme Court’s Committee on Civil Practice submitted this recommendation for a change to Rule 54(e)(2) of the Arkansas Rules of Civil Procedure. We publish this proposed amendment for comment before the court considers the change. The comment period shall end on August 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 54. Judgment; Costs

★ ★ ★ ★

(e) *Attorneys’ Fees.* (1) Claims for attorneys’ fees and related nontaxable expenses shall be made by motion unless the substantive law governing the action provides for the recovery of such fees as an element of damages to be proved at trial.

(2) Unless otherwise provided by statute or order of the court, the motion must be filed ~~and served~~ no later than 14 days after entry of judgment; must specify the judgment and the statute or rule entitling the moving party to the award; and must state the amount or provide a fair estimate of the amount sought. If directed by the court, the motion, shall also disclose the terms of any agreement with respect to fees to be paid for the services for which the claim is made.

(3) On request of a party or class member, the court shall afford an opportunity for adversary submissions with respect to the motion in accordance with Rule 43(c) or Rule 78. The court may determine issues of liability for fees before receiving submissions bearing on issues of evaluation of services for which liability is imposed by the court. The court shall find the facts and state its conclusions of law, and a judgment shall be set forth in a separate document as provided in Rule 58.

(4) The court may refer issues relating to the value of services to a special master under Rule 53 without regard to the provisions of subdivision (b) thereof.

(5) The provisions of subparagraphs (1) through (4) do not apply to claims for fees and expenses as sanctions for violations of these rules.

Addition to Reporter's Notes, 2026 Amendment: Subdivision (e)(2) is amended to delete the requirement that a motion for attorney fees be both filed and served no later than 14 days after entry of judgment. The change requires filing only within that time frame. Service continues to be required under Ark. R. Civ. P. 5. This change brings the Rule in line with Fed. R. Civ. P. 54, after which the Rule is modeled. An identical change was made to the Federal Rule in 2001. Timely filing with service that complies with Ark. R. Civ. P. 5 should be sufficient to perfect such a motion.

WEBB, J., not participating.