

SUPREME COURT OF ARKANSAS

IN RE PRO SE FILINGS IN ESTATES
AND GUARDIANSHIPS IN THE
WASHINGTON COUNTY CIRCUIT
COURT

Opinion Delivered November 5, 2015

PER CURIAM

It has recently come to this court's attention that, via an order entered on January 28, 2015, five judges that hear cases in the Washington County Circuit Court ordered that the county clerk return, unfiled, any and all pleadings and/or motions submitted in guardianship and estate matters by persons other than attorneys duly licensed to practice law in this state. The order was apparently issued by the judges due to concern that, given the nature of guardianship and estate proceedings, any persons other than licensed attorneys who filed pro se pleadings or motions in those cases would be engaging in the unauthorized practice of law.

While we appreciate the judges' concern, the order that was entered was not proper and the action should not have been taken absent this court's approval. This court abolished Arkansas Rule of Civil Procedure 83, which permitted local court rules, in 1987. *In re Changes to the Arkansas Rules of Civil Procedure*, 294 Ark. App'x 664, 742 S.W.2d 551 (1987) (per curiam). Under section 4 of amendment 80 to the Arkansas Constitution, we exercise general superintending control over all courts of the state. We are also charged with

prescribing the rules of pleading, practice, and procedure for all courts pursuant to section 3 of amendment 80. As a result, we routinely receive requests for changes to the rules of pleading, practice, and procedure, and decide whether or not to adopt the proposed rule changes.

Under the authority granted to us by amendment 80, we hereby set aside the order prohibiting the county clerk from accepting pro se filings in guardianship and estate proceedings in the Washington County Circuit Court. Anyone wishing to address the issue of pro se filings in estate and guardianship cases is invited to propose a change to our rules using the proper procedures.