



Arkansas Army National Guard
Office of Legal Assistance
Building 7300, Camp Joseph T. Robinson
North Little Rock, Arkansas
Phone: 501-212-5040

Legal Assistance Website: <https://arkansas.nationalguard.mil/Home/JAG-Legal/>
Legal Assistance email: ng.ar.aranng.list.legal-assistance-mailbox-managers@mail.mil



Military Exemption from Civil Process.

ACA § 12-62-403

No person belonging to the organized militia shall be served with any civil process while going to, remaining at, or returning from any place at which he or she may be required to attend for military duty.

This means that once you go on orders, if you are served with a lawsuit, that the “service” is not effective enough to put you on notice of the suit. Notice of a suit is important, because a court does not have authority, also known as jurisdiction, over you unless the lawsuit has been filed in that court and you have properly received a copy.

In *Cato v. Craighead County Circuit Court*, 2009 Ark 334, 322 S.W.3d 484 (2009) the Supreme Court of Arkansas heard a challenge to the constitutionality of this law. The Court found that the law was constitutional, confirming its validity.

It is important to note that if someone would have been able to file a lawsuit against you and serve you had you not been on active orders, then the time limit for filing a lawsuit, also known as the statute of limitations, stops running until you are back from your military duty.