

COURT OF APPEALS OF ARKANSAS, DIVISION II

Joseph Henry IV v. Jill Pierce

2026 Ark. App. 194 · No. CV-25-218 · Decided March 18, 2026

SUMMARY

The Arkansas Court of Appeals affirmed an order awarding the Buckley Firm a 40 percent contingency fee from an insurance settlement obtained for Jill Pierce. The court held that any error in admitting the contingency-fee contract over hearsay and authentication objections was harmless because extensive testimony independently established the reasonableness of the fee. The court declined to address an unpreserved Statute of Frauds argument.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division II
WRITING FOR THE COURT	Cindy Grace Thyer; Virden; Gladwin
JURISDICTION	Arkansas Court of Appeals, Division II
DECIDED	March 18, 2026
DOCKET	CV-25-218
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Sebastian County Circuit Court awarding the appellee's attorney a contingency fee from insurance-proceeds litigation.
STANDARD OF REVIEW	A circuit court's decision to admit or exclude evidence is reviewed for abuse of discretion, and reversal requires a showing of prejudice. Even an erroneous evidentiary ruling is not reversible absent a manifest abuse of discretion and prejudice.
PRECEDENTIAL VALUE	published
PARTIES	Joseph Henry IV v. Jill Pierce

TOPICS

- evidence
- hearsay
- authentication
- harmless error
- preservation of error

PRACTICE AREAS

- evidence
- probate
- appellate procedure
- attorney's fees

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by admitting the contingency-fee contract over hearsay and authentication objections.
2. Whether any error in admitting the contingency-fee contract was prejudicial and warranted reversal of the fee award.
3. Whether Henry's Statute of Frauds argument was preserved for appellate review.

HOLDINGS

1. Any purported error in admitting the contingency-fee contract was harmless because the circuit court received abundant independent testimony establishing the reasonableness of the 40 percent contingency fee, which was the sole issue Henry contested at trial.
2. The court would not address Henry's Statute of Frauds argument because he did not raise, develop, or obtain a ruling on that argument in the circuit court.

KEY QUOTATIONS

“Without any showing of prejudice, any judicial error as to the admissibility of evidence is harmless error and cannot be grounds for disturbing a circuit court’s order.” (2026 Ark. App. 194)

“When evidence is improperly admitted but the same evidence is admitted through another source, there is no reversible error.” (2026 Ark. App. 194)

FACTUAL BACKGROUND

Pierce retained the Buckley Firm under a written contingency-fee agreement to pursue insurance proceeds from State Farm for damage to a house. The agreement provided for a 40 percent fee if litigation was filed, and the firm ultimately obtained a \$55,112.73 settlement after filing suit. Although Henry challenged admission of the agreement on hearsay and authentication grounds, he acknowledged that the firm performed work and argued primarily that the fee should be determined on a quantum-meruit basis. The circuit court awarded the firm \$22,045.09, representing 40 percent of the recovery, plus costs.

PROCEDURAL HISTORY

Pierce was appointed administratrix of her father's estate in 2020, and the probate case was later closed. Henry petitioned to reopen the estate after alleging that Pierce had collected insurance proceeds relating to estate property. In the same probate matter, the Buckley Firm sought attorney's fees for representing Pierce in a coverage dispute with State Farm. The circuit court admitted the contingency-fee contract, found the fee arrangement valid and reasonable, and awarded \$22,045.09 plus costs. Henry appealed, challenging admission of the contract and, for the first time on appeal, raising the Statute of Frauds.

DISPOSITION

affirmed

CASES CITED

- Keesee v. State, 2022 Ark. 68, 641 S.W.3d 628
- Yafai Invs., Inc. v. Arkmo Foods, LLC, 2021 Ark. App. 484
- Navrat v. Ark. Dep't of Hum. Servs., 2023 Ark. App. 8, at 6
- Barton v. Ark. Dep't of Hum. Servs., 2019 Ark. App. 239, 576 S.W.3d 59, 67
- Townshend v. Townshend, 2023 Ark. App. 532, at 12

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