

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA12-663

GAIL PARKERSON

APPELLANT

V.

JANET BROWN ET AL.

APPELLEES

Opinion Delivered May 1, 2013

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. CV 2007-499-III]

HONORABLE JOHN LINEBERGER,
JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Gail Parkerson, pro se, appeals from the Garland County Circuit Court’s ruling that she failed to establish adverse possession or a boundary by acquiescence of a small tract of land adjacent to Lake Hamilton, and that she had abandoned a previously-acquired easement over that property. Because this case must be rebriefed, we do not address the merits of her five points on appeal.

This case has previously been before us. In *Parkerson v. Brown*, we set out the lengthy history of this litigation and need not repeat it here.¹ In that opinion, we held that appellant was entitled to intervene in a title-confirmation action filed by appellee Janet Brown. After trial in February 2012, the circuit court ruled that appellant had abandoned her easement and that she had failed to establish adverse possession or a boundary by acquiescence. After the

¹ 2010 Ark. App. 505, 379 S.W.3d 485.



circuit court dismissed all outstanding claims, appellant pursued this appeal.

The record in this appeal, which contains five volumes, is accompanied by a three-volume record from the first appeal. The seven briefs, the abstract, the two volumes of the addendum, and the supplemental addendum contain over 2100 pages. The abstract, which has 375 pages, includes the testimony of numerous witnesses and the arguments of counsel at four hearings and at trial. The most egregious problem is that the abstract is in the question-and-answer format, which Arkansas Supreme Court Rule 4-2(a)(5)(B) expressly forbids.² For that reason alone, we would order appellant to submit a substituted brief.

There are, however, other deficiencies. Appellant has included some documents in the abstract that should not be abstracted, such as the March 22, 2012 decree; her objection and motion to amend; the Fullerton counterclaim and the 1992 order from the previous lawsuit; the correction certificate of the county collector; and an exhibit. All these documents are included in the addendum, where they belong.³

Appellant has also failed to set forth the full names of three witnesses in the abstract and of five witnesses in the table of contents, which lists the beginning pages for two hearings incorrectly. Although appellant lists Kristi Womble's testimony as beginning at page 81 of the abstract, it does not appear there; in fact, she did not testify.⁴

²(2012). See *RB v. State*, 2013 Ark. App. 145; *Gawenis v. Alta Resources, LLC*, 2013 Ark. App. 85; *Boykin v. Crockett Adjustment Ins.*, 2012 Ark. App. 685; *Paschal v. Paschal*, 2012 Ark. App. 400.

³Ark. Sup. Ct. R. 4-2(a)(5)(A) & (a)(8)(A) (2012).

⁴ See Ark. Sup. Ct. R. 4-2(a)(1) & (a)(5).



Appellant’s statement of the case impermissibly contains argument. She accuses appellees Thomas and Blanche Choate of misleading the court; states that she held the property adversely to them; and alleges that Ms. Brown fraudulently obtained a limited warranty deed. Rule 4-2(a)(6) provides, “The appellant’s brief shall contain a concise statement of the case without argument.”

Appellants, even those who proceed pro se, are responsible for following the rules of appellate procedure, and pro se litigants are held to the same standards as attorneys.⁵

We strongly encourage appellant to review the rules and to ensure that no other deficiencies are present. A model appellant brief is available for review on the judiciary website.⁶ Appellant has fifteen days from the date of this opinion to file a substituted brief that complies with the rules.⁷ Failure to timely correct the deficiencies in the appellant’s brief may result in the judgment or decree of the circuit court being affirmed.⁸ After service of appellant’s substituted brief, appellees shall have the opportunity to revise or supplement their briefs.

Rebriefing ordered.

HARRISON and GRUBER, JJ., agree.

Appellant, pro se.

⁵See *Kennedy v. Morales*, 2013 Ark. 41; *Ryburn v. Ryburn*, 2012 Ark. App. 256; *Floerchinger v. Univ. of Ark. for Med. Sciences*, 2011 Ark. App. 134.

⁶<http://courts.arkansas.gov/aoc/forms.cfm>

⁷See Ark. Sup. Ct. R. 4-2(b)(3).

⁸See Ark. Sup. Ct. R. 4-2(c)(2).



Cite as 2013 Ark. App. 297

Satterfield Law Firm PLC, by: *Guy “Randy” Satterfield*, for appellee Ron Lewsader Construction, LLC.

Carol L. Lincoln and *Diane E. Holitik*, for appellee John Thurston, Arkansas Commissioner of State Lands.

Friday, Eldredge & Clark, LLP, by: *Bruce B. Tidwell*, for appellees Thomas and Blanche Choate.