

Rotonger BURNS v. Peter J. CARROLL, M.D.

94-234

885 S.W.2d 16

Supreme Court of Arkansas
Opinion delivered October 17, 1994

APPEAL & ERROR — REVIEW ON APPEAL LIMITED TO RECORD ABSTRACTED
— FAILURE TO ABSTRACT — MERITS NOT REACHED — CASE AFFIRMED.
— Review on appeal is limited to the record as abstracted, and the merits of a case will not be reached when the documents in the transcript that are necessary for an understanding of the case are not abstracted; where nothing was abstracted, the case was affirmed for failure to comply with Ark. Sup. Ct. R. 4-2.

Appeal from Union Circuit Court; *Harry F. Barnes*, Judge; affirmed.

Joshua Dara, for appellant.

Anderson & Kilpatrick, by: *Michael P. Vanderford*, for appellee.

[1] ROBERT H. DUDLEY, JUSTICE. Rotonger Burns filed suit seeking damages as the result of alleged medical malpractice by Peter Carroll. The trial court dismissed the suit, and Ms. Burns appeals. Ms. Burns's abstract does not contain a brief description or abridgment of her complaint, the response, other pleadings if any, attachments to motions if any, or an abridgment of the trial court's final order. We have often written that our review on appeal is limited to the record as abstracted and that we will not reach the merits of a case when the documents in the transcript that are necessary for an understanding of the case are not abstracted. In this case nothing is abstracted.

Rule 4-2 of the Rules of the Supreme Court and Court of Appeals sets out the requirements for the abstract and brief and the number of copies necessary. When the rule is not followed, we are left with only the one record. It is impractical and sometimes impossible for seven justices to pass around one record and transcript, and we will not attempt to do so. *Davis v. Peeples*, 313 Ark. 654, 857 S.W.2d 825 (1993).

We affirm this appeal for failure to comply with Rule 4-2.