

Ron PARRISH and Rose Parrish v. STATE of Arkansas  
CR 93-458 853 S.W.2d 284

Supreme Court of Arkansas  
Opinion delivered May 24, 1993

1. APPEAL & ERROR — ATTORNEY'S DUTY TO TIMELY FILE RECORD.  
— It is an attorney's duty to timely file the record.
2. APPEAL & ERROR — RECORD FILED LATE — MOTION FOR RULE ON  
THE CLERK — IF ATTORNEY WILL CONCEDE FAULT OR SHOW OTHER

GOOD CAUSE, MOTION WILL BE GRANTED. — Where the record was late because one of the orders of extension was not entered before the period for filing the record had expired, and the record was tendered more than seven months after the entry of judgment, appellants' motion for rule on the clerk was denied.

3. APPEAL & ERROR — RULE ON THE CLERK WILL BE GRANTED IF GOOD CAUSE SHOWN. — Appellants' motion for rule on the clerk will be granted if the attorney will concede by affidavit that it was his fault that the record was not timely filed, or if other good cause is shown.

Motion for Rule on the Clerk denied.

*Jon Alan Williams*, for appellant.

No response.

PER CURIAM. The Clerk of the Court refused to docket this case when the record was presented. Appellants, by their attorney, Jon A. Williams, have filed a motion for a Rule on the Clerk. The motion contends that the record was timely filed. It was not timely filed, and we deny the motion.

[1-3] It is an attorney's duty to timely file the record. In this case the record was late because one of the orders of extension was not *entered* before the period for filing the record had expired. *See Ark. R. App. P. 5*. In addition, the record was tendered more than seven months after the entry of the judgment. *See Ark. R. App. P. 5(b)*. If the attorney will concede by affidavit that it was his fault that the record was not timely filed, or if other good cause is shown, then the motion will be granted.