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G. Lee CRANFILL, M.D. *v.* UNION PLANTERS BANK, N.A., and  
Northeast Arkansas Management Company, LLC

03-1064

123 S.W.3d 122

Supreme Court of Arkansas  
Opinion delivered October 9, 2003

APPEAL & ERROR — MOTION TO ACCEPT TRANSCRIPT & RECORD —  
GRANTED. — The supreme court clerk was correct in rejecting a  
transcript and record that were not properly certified; under the facts  
of the case, and in the interest of allowing the litigant his opportunity  
to appeal, the supreme court accepted the transcript, provided that  
the attorneys of record would certify to the supreme court clerk, by  
affidavit, that the transcripts were true, accurate, and complete.

Motion to Accept Transcript and Record; granted.

*Lyons, Emerson & Cone, P.L.C.*, by: *Scott Allen Emerson*, for  
appellant.

*Snellgrove, Langley, Lovett & Culpepper*, by: *Todd Williams*, for  
appellee Union Planters Bank, N.A.

**P**ER CURIAM. Cranfill filed a motion for rule on the clerk  
seeking an order that the clerk accept a transcript and  
record for filing which have not been certified as required by our  
rules. Under Ark. R. Sup. Ct. 3-1(I) (2003), all transcripts shall be  
prepared by certified court reporters. Likewise, Cert. of Ct. Rptrs. § 9  
(2003), provides that all transcripts taken in court proceedings will be  
accepted only if they are certified by a court reporter who holds a valid  
certificate.

Counsel for Appellees in their response states they have no  
objection to the Motion. Iris Brooks was the Court Reporter on  
December 4, 2002, when the proceedings at issue took place. On  
that day, Ms. Brooks was a certified court reporter, however, by  
the time the record was to be prepared and certified for filing, Ms.  
Brooks was no longer a certified court reporter. As we noted in our  
*per curiam* in *Hamilton v. Jones*, 352 Ark. 569, 102 S.W.3d 479  
(2003), upon revocation of her court reporter's license, Ms.  
Brooks was directed to deliver all transcripts and records to Judge

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Victor Hill. Cranfill states in his motion that Certified Court Reporter Kisselburg received the transcripts and records in this case, but Mr. Kisselburg was unable to certify that the transcript was a true and correct copy of all that occurred at court. Because Mr. Kisselburg was not present, he obviously could not certify that all which occurred that day had been properly reported.

[1] The Clerk of this court was clearly correct in rejecting the transcript and record that were not properly certified. *Mitchell v. State*, 345 Ark. 359, 45 S.W.3d 846 (2001). We note that on the day the hearing took place, Ms. Brooks was a certified court reporter. Her license was not revoked until the following spring. Under the facts of this case, and in the interest of allowing the litigant his opportunity to appeal, we will accept the transcript, provided the attorneys of record certify to the Supreme Court Clerk, by affidavit, that the transcripts are true, accurate, and complete. See *Pullan v. Fulbright*, 285 Ark. 152, 685 S.W.2d 151 (1985). Under other facts, this remedy may not be available. *Pullan, supra*.

Motion granted.

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