

Cite as 2018 Ark. 214
SUPREME COURT OF ARKANSAS

IN RE AMENDMENT TO ARKANSAS
SUPREME COURT RULE 4-2(a)(5)

Opinion Delivered: June 8, 2018

PER CURIAM

The Arkansas Supreme Court recommends amending Arkansas Supreme Court Rule 4-2(a)(5). The proposed amendment is published below for comment, and the proposed changes are set out in “line-in, line-out” fashion (new material is underlined; deleted material is lined through). Comments on the proposed amendment should be made in writing before September 1, 2018, and they should be addressed to: Stacey Pectol, Clerk, Supreme Court of Arkansas, Justice Building, 625 Marshall Street, Little Rock, Arkansas 72201.

Rule 4-2. Contents of briefs.

(a) *Contents.* The contents of the brief shall be in the following order:

...

(5) *Abstract.* The appellant shall create an abstract of the material parts of all the transcripts (stenographically reported material) in the record. Information in a transcript is

material if the information is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

(A) *Contents.* All material information recorded in a transcript (stenographically reported material) must be abstracted. Depending on the issues on appeal, material information may be found in, for example, counsel's statements and arguments, voir dire, testimony, objections, admissions of evidence, proffers, colloquies between the court and counsel, jury instructions (if transcribed), and rulings. All material parts of all hearing transcripts, trial transcripts, and deposition transcripts must be abstracted, even if they are an exhibit to a motion or other paper. Exhibits (other than transcripts) shall not be abstracted. Instead, material exhibits shall be copied and placed in the addendum. If an exhibit referred to in the abstract is in the addendum, then the abstract shall include a reference to the addendum page where the exhibit appears.

(B) *Form.* ~~The abstract shall be an impartial condensation, without comment or emphasis, of the transcript (stenographically reported material).~~ The abstract shall contain true and legible copies of ~~must not reproduce~~ the portions of the transcript in the record on appeal that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The abstract shall not merely reproduce the entire transcript. Each page in the abstract must also show the record page number where the original is located. ~~verbatim. No more than one page of a transcript shall be abstracted without giving a record page reference. In abstracting testimony, the first person (I) rather than the third person ("He or She") shall be used. The question and~~

~~answer format shall not be used. In the extraordinary situations where a short exchange cannot be converted to a first-person narrative without losing important meaning, however, the abstract may include brief quotations from the transcript.~~

(C) *Miscellaneous.* (i) In a second or subsequent appeal, material information from all transcripts filed in any prior appeal must be abstracted. (ii) If an abstract exceeds two hundred fifty pages, then the appellant may bind it separately from the other parts of the brief without filing a motion seeking permission from the appellate court to do so. (iii) To assist in the abstracting process, the court reporter shall provide the appellant at a nominal charge an electronic copy of the transcript. (iv) The Clerk will refuse to accept a brief if the abstract does not comply with this rule. The Clerk shall handle briefs with a noncompliant abstract pursuant to Rule 4-1(e) by marking the brief tendered and granting a seven-day compliance extension. As prescribed by Rule 4-1(d), the abstract must also comply with Administrative Order 19's redaction requirements for confidential information.