IN THE COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT JACKSON

LAURENCE ARMOUR,   Tennessee Claims Commission,
                                          Western Division No. 201-140
                                          C.A. No. 02A01-9508-BC-00189
          Claimant/Appellant,
                                          Hon. Martha Brasfield, Commissioner
v.

STATE OF TENNESSEE,

          Defendant/Appellee.

LAURENCE ARMOUR, Pro Se, Memphis.

BEAUCHAMP E. BROGAN, General Counsel, The University of Tennessee,
Memphis, and ODELL HORTON, JR., Associate General Counsel,
Attorneys for Defendant/Appellee.

AFFIRMED

Opinion Filed:

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MEMORANDUM OPINION[1]
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TOMLIN, Sr. J.

          Laurence E. Armour (?claimant") filed suit pro se against the State of

Tennessee (?defendant") before the Tennessee Claims Commission seeking

damages for injuries to his left thumb due to the alleged malpractice of two

medical resident physicians at the University of Tennessee Center for Health Care

Sciences in Memphis. Defendant filed a motion for summary judgment, which the

Commissioner granted. For reasons we will refer to in a moment, this court

presumes the issue presented on appeal is whether the Claims Commission erred

in granting summary judgment. We find no error and affirm.

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[1]Rule 10 (Court of Appeals). Memorandum Opinion.—(b) The Court, with
the concurrence of all judges participating in the case, may affirm,
reverse or modify the actions of the trial court by memorandum opinion
when a formal opinion would have no precedential value. When a case
is decided by memorandum opinion it shall be designated
?MEMORANDUM OPINION," shall not be published, and shall not be cited
or relied on for any reason in a subsequent unrelated case.
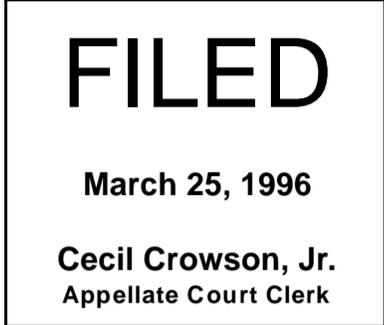
Claimant's brief in this court consists of the following document, except for a few copies of his medical records attached in the nature of exhibits:

> The Appellant, Mr. Laurence E. Armour, wishes to advise the court that he wants this case placed on the accelerated civil appeal docket.
>
> Mr. Armour has no new information or evidence that court records in your file already contain. Therefore, in order to expedite justice, Mr. Armour will rely upon the record. Mr. Armour is still handicapped and suffers pain daily from the surgical act that caused injury to his hand and was deliberately omitted from all medical reports on the day of surgery, March 13, 1992. Also, the record show that continued his willful omission under oath during deposition, thus committing perjury.
>
> Dr. Eikerman also committed the act of willful omission. Both doctors conspired in order to graduate from medical school without a blemished record. The omission was deliberate, willful, and for personal gain.
>
> Upon deposition, Dr. Eikerman told the truth. Defining the willfully omitted surgical erroneous act. The record speaks for itself.

This court is thoroughly familiar with the responsibilities a pro se litigant assumes when the litigant attempts to represent himself. We are aware of the liberality of construction with regard to pleadings to which pro se litigants are entitled. We are also aware that pro se litigants must follow the same procedural and substantive law as the represented party. See Irvin v. City of Clarksville, 767 S.W.2d 649, 652-53 (Tenn. App. 1988).

Notwithstanding the nature and substance of claimant's brief, we have reviewed this record and determined that not only has claimant failed to follow the applicable procedural law, but also the substantive law in this case, particularly as it relates to his claim for medical malpractice and summary judgment. Claimant failed to offer any evidence other than damages to establish a claim for medical malpractice under T.C.A. § 29-26-115(a) (1980). Moreover,

claimant failed to introduce any evidence to refute defendant's evidence submitted in support of its motion for summary judgment that the injury to claimant's thumb could result in the absence of negligence, and that the treating physician followed the applicable standard of care in treating claimant. Accordingly, the judgment of the Claims Commission is affirmed. Costs in this cause on appeal are taxed to claimant, for which execution may issue if necessary.

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TOMLIN, Sr. J.

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FARMER, J.   (CONCURS)

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LILLARD, J.   (CONCURS)