

SUPREME COURT OF ARKANSAS

Arkansas State University v. Professional Credit Management, Inc.

299 S.W.3d 535 (Ark. 2009) · No. No. 08-672 · Decided March 19, 2009

SUMMARY

The Supreme Court of Arkansas dismissed Arkansas State University's appeal concerning a garnishment of an employee's wages. The court held that the appeal from district court to circuit court was untimely under Arkansas District Court Rule 9, and that the filing deadline was jurisdictional and was not extended by a postjudgment motion. Because the circuit court lacked jurisdiction, the Supreme Court of Arkansas likewise lacked jurisdiction to reach the merits.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Donald L. Corbin
JURISDICTION	Arkansas
DECIDED	March 19, 2009
DOCKET	No. 08-672
DISPOSITION	dismissed
PROCEDURAL POSTURE	Arkansas State University appealed the Craighead County Circuit Court's denial of its motion to set aside a district court order requiring it, as garnishee, to pay Professional Credit Management nonexempt wages of Judith Pfriemer. The Supreme Court of Arkansas dismissed the appeal for lack of subject-matter jurisdiction because the appeal from district court to circuit court was untimely.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential
PARTIES	Arkansas State University v. Professional Credit Management, Inc.

TOPICS

- subject matter jurisdiction
- appellate jurisdiction
- appellate procedure
- final judgment rule
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- garnishment
- subject-matter jurisdiction

QUESTIONS PRESENTED

1. Whether the appeal from the district court to the circuit court was timely under Arkansas District Court Rule 9.
2. Whether a postjudgment motion to set aside, vacate, alter, or amend a district court judgment extends the thirty-day period for appealing from district court to circuit court.
3. Whether the Supreme Court of Arkansas had subject-matter jurisdiction to reach the merits of the garnishment issues.

HOLDINGS

1. An appeal from district court to circuit court must be taken by filing the district court record in the circuit court within thirty days after entry of judgment; failure to do so is jurisdictional.
2. A motion to set aside, vacate, alter, or amend a district court judgment does not extend the thirty-day period for appealing to circuit court.
3. The Supreme Court lacked subject-matter jurisdiction to hear the appeal and was required to dismiss it.

KEY QUOTATIONS

“The thirty-day requirement for filing an appeal under Rule 9 is mandatory and jurisdictional, and the circuit court has no authority to accept untimely appeals.” (299 S.W.3d at 536)

“We are likewise without jurisdiction to hear this appeal, and we therefore dismiss it for lack of subject-matter jurisdiction.” (299 S.W.3d at 537)

FACTUAL BACKGROUND

Professional Credit Management obtained an order directing Arkansas State University, as garnishee, to pay nonexempt wages of Judith Pfriemer. The University contended that the wages were already subject to a prior garnishment up to the maximum permitted by the Consumer Credit Protection Act and argued that requiring employers to manage multiple garnishments imposed an undue burden. The merits of those arguments were not reached because the district court appeal was untimely.

PROCEDURAL HISTORY

The district court entered an Order for Payment on May 3, 2007. The district court record was not filed in the circuit court until October 3, 2007, more than thirty days after entry of judgment. The circuit court nevertheless considered the matter and denied the University's motion to set aside the order. The Supreme Court held that the untimely district-to-circuit appeal deprived both the circuit court and the Supreme Court of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Ottens v. State, 316 Ark. 1, 871 S.W.2d 329 (1994)
- State v. Dawson, 343 Ark. 683, 38 S.W.3d 319 (2001)
- Clark v. State, 362 Ark. 545, 210 S.W.3d 59 (2005)

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