

SUPREME COURT OF ARKANSAS

Wilson v. Dardanelle District of the Yell County District Court, 375 Ark. 294

290 S.W.3d 1 (2008) · Decided December 19, 2008

SUMMARY

The Arkansas Supreme Court affirmed the denial of Nadine Wilson's petition for a writ of mandamus concerning her efforts to collect assigned small-claims judgments. The court held that Wilson's judgment-recovery business constituted a collection agency because she collected delinquencies for a fee, and that Administrative Order 18 prohibited collection agencies and assignees from bringing actions in the small-claims division. The court declined to address issues not specifically ruled on by the circuit court, including whether Wilson had brought an action or engaged in the unauthorized practice of law.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Paul E. Danielson
JURISDICTION	Arkansas
DECIDED	December 19, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Yell County Circuit Court's denial of a petition for writ of mandamus and denial of a subsequent motion for relief from judgment under Arkansas Rule of Civil Procedure 60(a).
STANDARD OF REVIEW	A denial of a writ of mandamus is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Nadine Wilson v. Dardanelle District of the Yell County District Court

TOPICS

- writ of certiorari
- appellate procedure
- statutory interpretation
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Wilson's judgment-recovery activities constituted acting as a collection agency under section 4(b) of Administrative Order 18.
2. Whether an assignee of a claim may bring an action in the small-claims division under section 4(b) of Administrative Order 18.
3. Whether the Arkansas Supreme Court could reach Wilson's arguments concerning whether she was bringing an action, whether she was a new party under Rule 10(d)(4), and whether she engaged in the practice of law when the circuit court had not specifically ruled on those issues.
4. Whether the circuit court properly denied Wilson's petition for writ of mandamus.

HOLDINGS

1. A judgment-recovery business that collects overdue judgments for a forty-percent fee acts as a collection agency because it collects delinquencies for a fee. A collection agency is restricted from bringing an action in the small-claims division.
2. An assignee of a claim may not bring an action in the small-claims division under Administrative Order 18 section 4(b). Wilson's assignments did not avoid the restriction.
3. The appellate court would not reach issues on which the circuit court had not specifically ruled, because a ruling may not be presumed.

KEY QUOTATIONS

“Therefore, based upon our interpretation of section 4(b) of Administrative Order 18, we hold that the circuit court properly ruled that Wilson engaged in the practice of acting as a collection agency.”

FACTUAL BACKGROUND

Wilson operated a judgment-recovery business and obtained assignments of several small-claims judgments. She generally received forty percent of the amounts recovered and characterized her work as enforcing rather than collecting the judgments. The circuit court found that she was acting as a collection agency or assignee and therefore could not use the small-claims division to collect the judgments under Administrative Order 18.

PROCEDURAL HISTORY

Wilson sought mandamus and declaratory relief against the Dardanelle District Court, asserting that she could use the district court's small-claims division to collect judgments assigned to her and could do so without counsel. After a hearing, the circuit court denied mandamus, ruling that Wilson was acting as a collection agency and lacked authority to use the district court to collect small-claims judgments; it also ruled that she should be represented by counsel in collecting district-court judgments. The circuit court denied Wilson's Rule 60(a) motion, and the Arkansas Supreme Court affirmed while declining to reach issues on which the circuit court had not specifically ruled.

DISPOSITION

affirmed

CASES CITED

- Dobbins v. Democratic Party of Arkansas, 374 Ark. 496, 288 S.W.3d 639 (2008)
- Stanley v. Ligon, 374 Ark. 6, 285 S.W.3d 649 (2008)
- Stilley v. University of Arkansas at Ft. Smith, 374 Ark. 248, 287 S.W.3d 544 (2008)

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