

Cite as 2010 Ark. App. 579

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-1315

JEAN MARTIN

APPELLANT

V.

JANIS BLANKENSHIP

APPELLEE

Opinion Delivered SEPTEMBER 8, 2010APPEAL FROM THE LONOKE
COUNTY CIRCUIT COURT,
[NO. CV-08-361]HONORABLE PHILLIP T.
WHITEAKER, JUDGE

DISMISSED

ROBERT J. GLADWIN, Judge

Appellant Jean Martin contends that the judgment filed August 25, 2009, in the Lonoke County Circuit Court should be reversed, claiming that the trial judge abused his discretion in granting the default judgment against her and by not setting the default judgment aside. We dismiss the appeal.

Jean Martin filed, in her own name and as trustee for Victoria L. Martin, a complaint and affidavit for possession to dispossess appellee Janis Blankenship of property located at 311 Thomas Circle in Lonoke, Arkansas. Martin obtained an order from the Lonoke County Circuit Court and gained possession of the property with the help of the Lonoke County Sheriff. Blankenship filed a motion and amended motion to set aside the order for possession, alleging that service was defective; that Martin failed to follow the process outlined by Arkansas Code Annotated section 18-60-307 (Repl. 2003); that Martin had forged certain

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deeds from Blankenship to herself and others; and that Martin did not own the property she sought to take from Blankenship. The trial court issued a show cause order setting the matter for hearing and ordering that Martin personally appear. After a hearing where Martin did not appear, the trial court set aside the order of possession, finding that Blankenship had not been properly served with the complaint and notice as required by section 18-60-307 and Arkansas Rule of Civil Procedure 4 (2008). The trial court also ordered that Martin return all personal property to Blankenship by September 2, 2008. Martin was to pay any costs of storage and delivery of the personal property and was ordered to have no further contact with Blankenship or her residence pending a final hearing on the complaint.

Martin did not return the personal property, and Blankenship filed a contempt motion against her. Again, the trial court issued a show cause order setting the matter for hearing and ordering Martin to personally appear at the hearing or face potential arrest and other civil and criminal penalties. Blankenship also propounded discovery to Martin, and Martin failed to answer within the time required by the Arkansas Rules of Civil Procedure. Upon Blankenship's motion to compel, the trial court issued an order requiring Martin to answer the discovery on or before a set date. She did not answer the interrogatories by the deadline and did not return the property.

Blankenship filed a motion for sanctions pursuant to Arkansas Rule of Civil Procedure 37 (2009), and warned that she was seeking to have Martin's complaint struck for her numerous failures to comply with the trial court's orders. The trial court issued a third show

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cause order setting the matter for hearing on April 14, 2009, and ordering that Martin personally appear or face potential arrest and other civil and criminal penalties. Martin did not appear, and the trial court issued sanctions against her pursuant to Rule 37, striking and dismissing her complaint and forbidding Martin from testifying at the evidentiary hearing on Blankenship's counterclaim. Martin's counsel, who had appeared at all of the hearings without Martin, filed a motion to withdraw, which Martin opposed in various pro se filings. Martin's counsel was granted leave to withdraw.

In a document entitled "Memo" that was filed with the trial court by Martin, she acknowledged knowing about the final evidentiary hearing set in the case for August 13, 2009, and she acknowledged receiving copies of the court filings in the case. She stated that she understood that her attorney had not been allowed to withdraw and that he would represent her at the evidentiary hearing. However, she did not appear at the final hearing, where Blankenship testified about the value of her personal property taken by Martin and stated that none of the property had been returned to her. Several deeds were introduced showing Blankenship's title to the property, as well as the deeds alleged by Blankenship to be forged, whereby Blankenship's property had been transferred to Martin, who then made multiple transfers to relatives.

On August 25, 2009, the trial court entered judgment against Martin for Blankenship's actual damages of \$115,440.17; trebled the damages, pursuant to Arkansas Code Annotated section 5-37-226(c) (Supp. 2009); and granted \$150,000 in punitive damages. The trial court

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also set aside the deed from Blankenship to Martin that Blankenship alleged was forged and all subsequent deeds that Martin had made after the forged deed. By order of September 4, 2009, the trial court denied Martin's pro se motion asking that the judgment be set aside, and Martin filed a notice of appeal on September 9, 2009.

The notice of appeal is signed by Jean Martin over a signature line that states, "Jean Martin, trustee for Victoria Anderson." In *Davidson Properties, LLC v. Summers*, 368 Ark. 283, 284-85, 244 S.W.3d 674, 675 (2006), the Arkansas Supreme Court addressed the issue of the unauthorized practice of law, stating as follows:

As a threshold matter, we must point out that all posttrial motions and the notice of appeal have been filed pro se by Appellant Glenn Davidson. In each of those proceedings, he purports to represent "the Davidson Family," that is, Davidson Properties, LLC, Alex Davidson, Robert Davidson, Glenn Davidson, and Patsy Davidson. While Appellant Glenn Davidson, appearing pro se, is certainly entitled to represent himself, his attempted appearance on behalf of other family members and Davidson Properties, LLC, constitutes the unauthorized practice of law. *See Abel v. Kowalski*, 323 Ark. 201, 913 S.W.2d 788 (1996) (holding that a person not licensed to practice law in this state cannot represent another); Ark. Code Ann. § 16-22-206 (1987). Furthermore, where a party not licensed to practice law in this state attempts to represent the interest of others by submitting himself or herself to the jurisdiction of a court, those actions, such as the filing of pleadings, are rendered a nullity. *Davenport v. Lee*, 348 Ark. 148, 72 S.W.3d 85 (2002). Accordingly, to the extent that Appellant Glenn Davidson, appearing pro se, filed pleadings on behalf of other family members and Davidson Properties, LLC, such actions are rendered a nullity.

Thus, pursuant to *Davidson Properties*, this court is bound to conclude that Martin's notice of appeal is a nullity; therefore, the appeal is dismissed.

Appeal dismissed.

ROBBINS and BAKER, JJ., agree.