

IN THE UTAH COURT OF APPEALS

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Nuchanaad Martin,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20080873-CA
v.)	
)	
American Family Insurance)	F I L E D
Company,)	(January 23, 2009)
)	
Defendant and Appellee.)	2009 UT App 20

Third District, Salt Lake Department, 080911432
The Honorable Denise P. Lindberg

Attorneys: Nuchanaad Martin, Salt Lake City, Appellant Pro Se
Terry M. Plant and Stewart B. Harman, Salt Lake City,
for Appellee

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

This matter is before the court on American Family Insurance Company's motion for summary disposition. We affirm.

American Family first asserts that this court lacks jurisdiction over this appeal because the appeal is taken from an order dismissing Nuchanaad Martin's complaint without prejudice. The Utah Supreme Court has stated that the general rule on whether an action dismissed without prejudice is final and appealable "seems to be whether the effect of the ruling is to finally resolve the issues." Bowles v. Department of Trans., 652 P.2d 1345, 1346 (Utah 1982) (per curiam). Here, while the dismissal did not address the merits of the underlying claim, it had the effect of finally resolving the issue of whether Martin could bring the claim pro se, thereby making it a final order. Accordingly, because the district court's signed minute entry dismissing the case without prejudice was a final, appealable order, we have jurisdiction over this matter.

In reviewing the merits of the appeal, we agree with American Family that the district court properly dismissed Martin's complaint. In Utah, a person must have a license to

practice law. See Utah Code Ann. § 78A-9-103(1) (2008). In certain circumstances, however, a person may represent her own interests in court without a license. See id. § 78A-9-103(3). Specifically, Utah Code section 78A-9-103(3) states: "Nothing in this section shall prohibit a person from personally and fully representing his own interests in a cause to which he is a party in his own right and not as an assignee." Id. Thus, while a person may represent herself pro se in actions in which that person is a party in her own right, she may not represent herself if she has obtained the claim through an assignment. See id.; see also Lundahl v. Quinn, 2003 UT 11, ¶ 6, 67 P.3d 1000. In this case, the claim at issue originally belonged to Martin's sister. The sister then assigned the claim to Martin. As such, Martin may not prosecute the case pro se. See Lundahl, 2003 UT App 11, ¶ 6. Therefore, because Martin was not authorized to bring the case in a pro se capacity, the district court did not err in dismissing the case without prejudice.¹

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge

¹If Martin determines that she still wishes to pursue the causes of action at issue in her complaint, she must either obtain counsel to file a new action on her behalf or she must reassign the claim to her sister so that her sister can prosecute the case pro se.