

ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-21-445

ESTATE OF BETTY MATLOCK,
DECEASED, JOHN L. DICKERSON, JR.,
ADMINISTRATOR

APPELLANT

V.

EMMANUEL NOEL, CRUZ TANCINCO,
NIZAR MOHAMEDALI SULEMAN, AND
ST. VINCENT HOSPITAL

APPELLEES

Opinion Delivered June 1, 2022

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. 26CV-21-155]

HONORABLE RALPH C. OHM,
JUDGE

DISMISSED

MIKE MURPHY, Judge

John Dickerson, Jr., appeals the decision of the Garland County Circuit Court dismissing the wrongful-death action he brought on behalf of the estate of Betty Matlock against the appellees. We dismiss this appeal because we do not have jurisdiction over it.

The underlying allegations are that Matlock sustained medical injury and died while being treated at the CHI St. Vincent in Hot Springs in 2019. The appellees moved for judgment on the pleadings and provided three arguments supporting dismissal. One of the arguments was that Dickerson's status as a nonlawyer filing a pro se complaint on behalf of the estate rendered the complaint a nullity.

Arguments were heard on the appellees' motion, and on June 1, 2021, the circuit court issued an order granting the motion and dismissing the complaint with prejudice

because Dickerson, as a nonlawyer, was not authorized under Arkansas law to file a pro se complaint on behalf of the estate. Dickerson timely appeals. In this pro se appeal, Dickerson argues that the circuit court erred in dismissing his complaint. Specifically, he argues that, in dismissing the complaint, he was not afforded due process.

However, like in the underlying litigation, in filing this appeal, Dickerson again engages in the unauthorized practice of law.

An administrator acting on behalf of an estate does so in a fiduciary capacity. *Henson v. Craddock*, 2020 Ark. 24, at 6–7, 593 S.W.3d 10, 15. A person who is not a licensed attorney and is acting as an administrator cannot practice law in matters relating to his or her trusteeship on the theory that they are practicing for themselves. *Id.* In bringing a suit for wrongful death, a personal representative acts only as a “trustee of conduit,” and any proceeds recovered are held in trust for the benefit of the beneficiaries and not the estate. *Id.* And just as a complaint in such a situation is a nullity, so is the notice of appeal. *See, e.g., Memphis Wrecking Co. v. Dir.*, 2021 Ark. App. 29, at 2. Because the notice of appeal and subsequent filings made by Dickerson are null and void, we lack jurisdiction over the matter and dismiss the appeal.

Dismissed.

GLADWIN and BARRETT, JJ., agree.

John L. Dickerson, Jr., pro se appellant.

Wright, Lindsey & Jennings LLP, by: *Edwin L. Lowther, Jr.*, and *Laura E. Cox*, for appellees.