

Melinda Denise BIGELOW v. UNION COUNTY and  
UNION MEDICAL CENTER

85-194

701 S.W.2d 125

Supreme Court of Arkansas  
Opinion delivered December 23, 1985

1. COUNTIES — IMMUNITY FROM SUIT. — Ark. Stat. Ann. § 12-2901 (Repl. 1979) makes the county immune from tort liability for the acts of its agents and employees.
2. COUNTIES — IMMUNITY — AUTHORITY FOR COUNTIES TO PROVIDE MEANS FOR SETTling TORT CLAIMS. — Ark. Stat. Ann. § 12-2902 (Repl. 1979) authorizes, but does not require, counties to provide a means for settling tort claims against it.
3. APPEAL & ERROR — APPEAL DE NOVO FROM COUNTY JUDGE TO CIRCUIT COURT. — Ark. Stat. Ann. § 27-2006 (Repl. 1979) provides that the circuit court shall proceed to try all such appeals de novo as other cases at law.
4. COUNTIES — COUNTY IMMUNE FROM SUIT — CIRCUIT COURT CORRECTLY RULED ON CLAIM. — Although the county had not provided a means for settling tort claims against it, where appellant presented her claim to the county judge, he denied her claim, she sought a *de novo* review in the circuit court, and the circuit judge held that § 12-2901 immunized the county from the claim, the circuit court did, in *de novo* review, exactly as it would have to do if the case had been brought “as other cases at law.”

Appeal from Union Circuit Court, Second Division; *Harry F. Barnes, Jr.*, Judge; affirmed.

*Compton, Prewett, Thomas & Hickey, P.A.*, by: *Floyd M. Thomas, Jr.*, for appellant.

*William A. McLean*, for appellee.

DAVID NEWBERN, Justice. The issue presented here is whether a tort claim against Union County and the Union County

Medical Center which is owned and run by the county was erroneously dismissed upon appeal from the county judge to the circuit court. We hold the circuit court properly dismissed the claim, and thus the decision is affirmed.

[1, 2] Ark. Stat. Ann. § 12-2901 (Repl. 1979) makes the county immune from tort liability for the acts of its agents and employees. Realizing she could not sue the county initially in the circuit court, the appellant presented her claim to the county judge pursuant to Ark. Stat. Ann. § 17-702 (Repl. 1980). The county had not provided a means for settling tort claims against it as is authorized, but not required, by Ark. Stat. Ann. § 12-2902 (Repl. 1979).

[3, 4] Upon denial of her claim by the county judge, the appellant sought a *de novo* review in the circuit court in accordance with Ark. Stat. Ann. § 27-2006 (Repl. 1979) which provides that the circuit court “. . . shall proceed to try all such appeals *de novo* as other cases at law. . . .” In his appellant review, the circuit judge held the provisions of § 12-2901 immunized the county from the appellant’s tort claim. The circuit court thus did, in the *de novo* review, exactly as it would have had to do if the case had been brought “as other cases at law.” We find no error.

Affirmed.

PURTLE, J., not participating.

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