



# Arkansas Supreme Court Committee on Professional Conduct

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## 2017 Annual Report

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### Office of Professional Conduct

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[http://courts.arkansas.gov/professional\\_conduct](http://courts.arkansas.gov/professional_conduct)

# I. Introduction

**Authority:** Pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (“Procedures”), the Committee on Professional Conduct (“Committee”) is granted the authority to investigate all complaints alleging violation of the Arkansas Model Rules of Professional Conduct and impose any sanctions permitted and deemed appropriate. During 2002, major revisions to the Procedures adopted by Per Curiam Order of the Arkansas Supreme Court on July 9, 2001, effective on January 1, 2002, were implemented. The Committee again submitted major proposed revisions of the Procedures to the Court on December 15, 2010, which were adopted by the Court in its Per Curiam issued and effective May 26, 2011, found at 2011 Ark. 242.

**History:** Amendment 28 to the Arkansas Constitution was adopted by the voters in 1938. The amendment placed with the Arkansas Supreme Court the authority to regulate the practice of law in Arkansas and to regulate, and thereby discipline, attorneys. In 1939 the Bar Rules Committee, an entity of the Arkansas Bar Association and the forerunner of the present Committee on Professional Conduct, was established. In 1940 the Canons for Professional Conduct of Lawyers was approved. The Arkansas version of the American Bar Association’s Model Code of Professional Responsibility was first adopted by the Arkansas Supreme Court in 1970. A revised version of the Code became effective July 1, 1976. The Arkansas version of the American Bar Association’s Model Rules of Professional Conduct was adopted by the Arkansas Supreme Court and became effective January 1, 1986. Various revisions have been made to the Arkansas version of the Model Rules since 1986. Comprehensive revisions became effective May 1, 2005, as the Arkansas Rules of Professional Conduct, now found at pages 409-533 of the 2016 Court Rules, Volume 2, of the Arkansas Code. The attorney discipline Procedures implementing these Rules are in the same Volume 2, at pages 357-407. On May 26, 2011, the Supreme Court adopted and made effective significant revisions to the Procedures, in a per curiam found at 2011 Ark. 242

**Mission:** The purpose of lawyer discipline and disability proceedings is to maintain appropriate standards of professional conduct in order to protect the public and the administration of justice from lawyers who have demonstrated by their conduct that they are unable or are likely to be unable to properly discharge their professional duties. Standard 1.1 of the ABA's 1979 Standards for Lawyer Discipline and Disability Proceedings.

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## II. Structure

### 1. COMMITTEE ON PROFESSIONAL CONDUCT

For the year 2017, the Committee continued to operate in the new model of four Panels authorized by the Supreme Court as of January 1, 2002, designated Panels A, B, C, and D (Reserve). Each panel is composed of seven members appointed by the Arkansas Supreme Court. Five members are lawyers, with one lawyer appointed from each Congressional District and one from the State at large. The remaining two positions are filled by persons who are not lawyers and are selected by the Court from the State at large. Panel membership in 2017 was as follows:

**Panel A:** T. Benton Smith, Jr., Jonesboro, Attorney, First Congressional District  
Steven Shults, Little Rock, Attorney, Second Congressional District  
Mark L. Martin, Fayetteville, Attorney, Third Congressional District  
Michael W. Boyd, Magnolia, Attorney, Fourth Congressional District  
Danyelle J. Walker, Little Rock, Attorney at Large  
Karolyn Jones, North Little Rock, Non-attorney at Large  
Elaine Dumas, Little Rock, Non-attorney at Large

**Panel B:** Michael E. Mullally, Jonesboro, Attorney, First Congressional District  
Henry Hodges, Little Rock, Attorney, Second Congressional District  
James S. Dunham, Russellville, Attorney, Third Congressional District  
Stephen Crane, Magnolia, Attorney, Fourth Congressional District  
Niki T. Cung, Fayetteville, Attorney, Attorney at Large  
Elmer Ritchie, Little Rock, Non-attorney at Large  
Carolyn Morris, Danville, Non-attorney at Large

**Panel C:** Keith L. Chrestman, Jonesboro, Attorney, First Congressional District  
James A. Simpson, Jr., Searcy, Attorney, Second Congressional District  
Tonya L. Patrick, Fayetteville, Attorney, Third Congressional District  
Joseph Hickey, El Dorado, Attorney, Fourth Congressional District  
L. Scott Stafford, Little Rock, Attorney, At Large  
Shelia Brown, Pine Bluff, Non-attorney at Large  
Carlton Saffa, Non-attorney at Large

**Panel D:** Laura E. Partlow, West Memphis, Attorney, First Congressional District  
(Reserve) Richard C. Downing, Little Rock, Attorney, Second Congressional District  
William P. Watkins, III, Rogers, Attorney, Third Congressional District  
James A. Ross, Jr., Monticello, Attorney, Fourth Congressional District  
E. Kent Hirsch, Springdale, Attorney at Large  
Sue Winter, Little Rock, Non-attorney at large  
Ronnie Williams, Menifee, Non-attorney at large

The **2017 Executive Committee** consisted of:

James S. Dunham, Russellville, Panel B, Committee Chair  
Elaine Dumas, Little Rock, Panel A, Committee Secretary  
Steven Shults, Little Rock, Panel A Chair  
Michael E. Mullally, Jonesboro, Panel B Chair  
Joseph Hickey, El Dorado, Panel C Chair

The **2018 Executive Committee** will consist of:

Michael W. Boyd, Magnolia, Panel A, Committee Chair  
James S. Dunham, Russellville, Panel B, Committee Secretary  
T. Benton Smith, Jr., Jonesboro, Panel A Chair  
Michael E. Mullally, Jonesboro, Panel B Chair  
Joseph Hickey, El Dorado, Panel C Chair

Panel C primarily serves: (1) as the review panel for dismissals of complaints by the staff, (2) as a third hearing panel as needed, and (3) individual Panel C members are used as substitute panel members when a member of Panel A or B is not available or has disqualified in any case on a ballot vote or a hearing. Panel D members are substitutes as needed for members of the other three panels who may not be available or who recuse in a case.

### **COMMITTEE MEETING CALENDAR:**

Panel A meets on the third Friday of the months of January, March, May, July, September, and November.

Panel B meets on the third Friday of the months of February, April, June, August, October, and the second Friday of December.

Panels C and D meet “on call” for special settings of hearings.

## **2. OFFICE OF PROFESSIONAL CONDUCT**

The Committee employs an attorney Executive Director and staff who function as the Office of Professional Conduct, which is housed in offices at the Riverdale Plaza at 2100 Riverfront Drive, Little Rock, Arkansas 72202. The Office of Professional Conduct receives all complaints involving attorneys licensed to practice law in the State of Arkansas, investigates the complaints, provides assistance in the preparation of formal complaints, and processes formal complaints for submission to the Committee. The budget of the Committee and Office for 2017-2018 is about \$950,000, totally funded by the Supreme Court by a portion of the annual license fee paid by Arkansas-licensed attorneys to the Arkansas Supreme Court. No state or taxpayer funds are directly provided to support the office and committee.

The Office of Professional Conduct is staffed by four staff attorneys, a paralegal, and two administrative assistants. The staff attorneys perform all duties and possess such authority of the Executive Director as the Executive Director may delegate, except for the final determination of sufficiency of formal complaints. In addition to Executive Director Stark Ligon, the Office staff attorneys during 2017 were Michael E. Harmon - Deputy Director, Charlene Fleetwood - Senior Staff Attorney, and Caroline Bednar - Staff Attorney.

In calendar 2017, as in previous years, the staff presented several “continuing legal education” programs or speeches on law-related topics across the state.

The Arkansas Supreme Court has not authorized the Office of Professional Conduct to give advice or legal opinions, formal or informal, on legal or ethical issues to anyone. The Office does provide information, where it is available and can be done without being advice or legal opinion.

The Office of Professional Conduct also provides staff support for the Supreme Court's Unauthorized Practice of Law Committee and the Client Security Fund Committee.

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### **III. Administration**

The Office of Professional Conduct receives telephone calls, letters, e-mails and faxes from individuals across the country requesting information on how to initiate complaints against attorneys licensed to practice law in the State of Arkansas. During the 2017 calendar year, the Office opened new files on 616 grievances on attorneys alleged lawyer misconduct, decreased from 725 new files opened in 2016. See attached Appendix A.

In 2017, following assigned review by staff attorneys of disciplinary complaints received in calendar year 2017 and carry-over cases from previous years, 550 files were closed, down from 663 files closed in 2016. For additional statistical information, see attached Appendix B.

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### **IV. 2017 Formal Actions Initiated**

In 2017, there were thirty-four (34) new formal Complaint attorney discipline cases opened for the Committee on Professional Conduct panel action, down from the fifty-two (52) new formal Complaint cases opened in 2016. In 2017, forty-eight (48) formal Complaint files were closed, compared to fifty-five (55) closed in 2016.

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### **V. 2017 Final Committee Actions**

Final action was taken in forty-five (45) formal Complaint files involving Arkansas attorneys during the 2017 calendar year by the Office and the Committee on Professional Conduct. There are five primary forms of action, or sanction, that the Committee on Professional Conduct may take. The lowest, a warning, is non-public. The other forms of sanction - caution, reprimand, license suspension, and initiating disbarment proceedings - are public sanctions. In 2017, eighteen (18) attorneys received at least one public sanction, down from twenty-one (21) in 2016.

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## VI. 2017 - Most Common Rule Violations

In the 2017 findings of the Committee on Professional Conduct Panels, as in most previous recent years, the most common rule violations involved Arkansas Rules 8.4(d) (not engaging in conduct prejudicial to the administration of justice), 8.4(c) (not engaging in conduct involving dishonesty, fraud, deceit or misrepresentation), 1.3 (acting with reasonable diligence and promptness in representing a client), and 1.1 (competence). A list containing the Arkansas Rule alleged and the number of times the Committee found the rule to have been violated in 2017 is attached as Appendix “C”.

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## VII. “Practice Aging” of Attorneys Disciplined (2017)

Of the 2017 final disciplinary actions by the Committee, based on number of years licensed in Arkansas, eighteen (18) attorneys were publicly sanctioned as follows. (Attorney age information is not available):

Years Licensed	No. of Attorneys Publicly Sanctioned	Percentage
01-10 (2008-2017)	5	27.8%
11-20 (1998-2007)	7	38.9%
21-30 (1988-1997)	3	16.7%
31-40 (1978-1987)	2	11.1%
41+ (before 1978)	1	5.5%
Total	18	100%

(Several attorneys were publicly sanctioned more than once in 2017.)

## VIII. 2017 Fines, Restitution & Costs

Type	Amount Imposed (2017)	Amount Collected (2017)
FINES:	\$10,100.00	\$5,750.00
RESTITUTION:	\$25,315.00	\$2,200.00
COSTS:	\$1,050.00	\$523.40
TOTALS:	\$36,465.00	\$8,473.40

(Note: some of the collections in 2017 were assessed in cases finalized in earlier years. Costs in disbarment cases are rarely collected.)

## **IX. 2017 Trust Account “Overdraft” Reporting**

There were sixty-seven (67) notices received in 2017 from all banks and reporters, compared to thirty-nine (39) in 2016. Most of these files were closed after a summary investigation and explanation by the attorney involved. None of the 2017 files has resulted in filing a formal Complaint to date.

There are a few 2017 files still “open” to some extent, such as awaiting additional documentation from the attorney. Of the few 2016 files still open, none are believed to involve a loss of client funds.

The overwhelming majority of overdraft reports were due to some form of “attorney/firm error” such as bookkeeping math mistakes, failure to make timely deposits of settlement funds, release of settlement checks to clients and third parties before settlement funds were available in the trust account, depositing checks into the wrong account, failure to account for IOLTA interest withdrawals or bank service fees, client fee and expense checks bouncing, etc. Some admitted bank errors are reported.

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## **X. Summaries of 2017 Public Sanctions – Appendix “D”**

	Number	Designation	Description	Annual Total
2		<b>Attorney</b>		
3	001	A-A/C	Attorney Conduct	65
4	002	A-A/S	Advertisement / Solicitation	5
5		<b>Criminal</b>		
6	003	CR-D	Criminal Defense	141
7	004	CR-P	Criminal Prosecution	34
8	005	CR-A	Criminal Appeal	1
9		<b>Domestic Relations</b>		
10	006	DR-D	Divorce	62
11	007	DR-C	Custody	37
12	008	DR-C/S	Child Support	8
13	009	DR-QDRO	Qualified Domestic Relations Order	0
14	010	DR-V	Visitation	7
15	011	DR-DA/OP	Domestic Abuse / Order of Protection	3
16	012	DR-P	Paternity	2
17		<b>Juvenile</b>		
18	013	J-DHS	Department of Human Services	7
19	014	J-FINS	Families in Need of Services	2
20		<b>Probate</b>		
21	015	PR-E	Estate	38
22	016	PR-T	Trust	8
23	017	PR-W	Will	3
24	018	PR-POA	Power of Attorney	1
25	019	PR-G	Guardianship	15
26	020	PR-A	Adoption	9
27	021	PR-CC	Civil Commitment	6
28		<b>Bankruptcy</b>		
29	022	BNK-7	Chapter 7	7
30	023	BNK-11	Chapter 11	1
31	024	BNK-13	Chapter 13	6
32		<b>Civil</b>		
33	025	CV-A	Appeal	2
34	026	CV-C	Contract	13
35	027	CV-DC	Debt Collection	14
36	028	CV-F	Foreclosure	0
37	029	CV-J	Judgment	0
38	030	CV-LL/TN	Landlord / Tenant	1
39	031	CV-MM	Medical Malpractice	3
40	032	CV-MVA	Motor Vehicle Accident	24
41	033	CV-FED	Civil - Federal	12
42	034	CV-PI	Personal Injury	6
43	035	CV-PR	Property	35
44	036	CV-T	Tort	7



	Number	Designation	Description	Annual Total
45	037	CV-UD	Unlawful Detainer	0
46	038	CV-N	Negligence	1
47	039	CV-INJ	Injunction	2
48	040	CV-MISC	Miscellaneous	0
49		<b>Miscellaneous</b>		
50	041	SSD-SSI	Social Security Disability / Income	2
51	042	WC	Workers Compensation	2
52	043	ACC	Arkansas Claims Commission	4
53	044	IMGN	Immigration	3
54	045	SCPC	Supreme Court Per Curiam	1
55	046	ARGV	Arkansas State Government	1
56	047	IRS	Federal or State Taxes	3
57	048	EMP	Employment	9
58	049	DC-SC	District Court - Small Claims	1
59	050	INT-PR	Intellectual Property	1
60	051	BS-CP	Business / Corporation	0
61	052	USVA	Veterans Administration	1
			TOTAL GRIEVANCES:	616
No.	Disposition	Description		
19	Formal	Formal Complaint		
0	Diversion	Diversion / Probation		
285	NSF*	No Sufficient Finding		
23	W/D*	Withdrawn by Complainant		
0	Merged-S	Merged with Surrender		
1	Merged-D	Merged with Disbarment		
0	Disbarred	Closed - Disbarred		
3	Closed-D	Closed - Deceased		
1	Closed-S	Closed - Surrendered		
0	FTR	Complainant Failed to Respond		
0	UPL	Unauthorized Practice of Law		
284	Open	Investigation Pending		
616	Total			

Category	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Files opened	873	1,028	972	892	826	804	819	859	861	888	735	794	716	744	657	725	616
Closed by staff	691	737	825	796	868	1137	784	786	742	845	806	646	478	732	595	663	550
Complaints filed	149	186	200	164	159	156	140	114	144	119	97	85	67	51	57	52	34
Appellate Referrals	34	45	50	40	34	39	50	33	41	18	17	40	7	14	7	14	3
Judicial Referrals	13	12	12	8	8	19	6	4	4	6	10	18	3	8	11	7	13
Attorney Referrals	N/A	N/A	N/A	24	7	16	9	15	15	7	14	38	37	28	33	14	9
Complaints closed	135	178	185	211	181	173	182	122	128	119	106	74	78	63	45	53	47
No Actions	12	30	15	24	18	19	13	10	11	10	7	4	4	5	2	3	5
Warnings	45	53	54	38	33	53	41	37	46	26	20	13	8	10	17	14	10
Cautions	14	31	28	53	41	29	34	20	28	15	24	8	10	17	10	7	6
Reprimands	26	35	37	36	31	30	26	14	14	19	20	11	11	5	7	7	11
Suspensions	19	14	20	9	17	12	23	12	10	10	11	9	12	4	3	5	13
Surrenders	13	5	5	11	6	7	1	6	5	3	14	8	3	2	6	6	1
Merge / surrender	N/A	1	14	29	5	4	0	6	18	6	9	1	1	2	3	2	0
Deemed Surrendered (Rule 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3
Disbarment initiated	6	3	3	3	7	2	1	1	2	1	2	1	4	2	0	1	0
Disbarments		0	0	3	0	2	2	2	4	3	0	0	5	2	0	0	2
Reinstated	3	3	8	10	13	11	6	0	6	2	2	5	9	7	11	2	2
Consents	13	35	54	71	51	64		45	50	28	29	18	7	8	13	13	14
Refer to ArJLAP	N/A	2	0	0	1	3	0	0	0	0	0	0	0	0	0	0	1
No. of Attys Publicly Sanctioned*	57	61	72	101	102	68	67	49	44	44	60	29	30	27	25	21	18

	Alleged	No.			Found	No.	
	1.1	14			1.1	6	
	1.2	1			1.2(a)	1	
	1.2(a)	1			1.2(d)		
	1.2(b)	1			1.3	14	
	1.2(d)	1			1.4(a)	2	
	1.3	18			1.4(a)(1)	1	
	1.4(a)	5			1.4(a)(2)	1	
	1.4(a)(1)	2			1.4(a)(3)	9	
	1.4(a)(2)	1			1.4(a)(4)	7	
	1.4(a)(3)	11			1.4(b)		
	1.4(a)(4)	8			1.5(a)	1	
	1.4(a)(5)	1			1.5(b)		
	1.4(b)	1			1.7(a)		
	1.5(a)	2			1.7(b)		
	1.5(b)				1.8(b)		
	1.5(c)				1.8(c)		
	1.14(a)	1			1.15(a)(1)	1	
	1.14(b)	1			1.15(a)(4)	1	
	1.15(a)(1)	1			1.15(a)(5)		
	1.15(a)(4)	1			1.15(b)(1)	1	
	1.15(a)(5)	1			1.15(b)(3)	1	
	1.15(a)(6)	1			1.16(a)(2)		
	1.15(b)(1)	1			1.16(d)	14	
	1.15(b)(3)	1			3.1	1	
	1.16(a)(2)				3.2		
	1.16(d)	14			3.3(a)	1	
	3.1	1			3.3(a)(1)	1	
	3.2				3.3(a)(3)		
	3.3(a)	1			3.4(a)		
	3.3(a)(1)	1			3.4(b)	1	
	3.4(b)	1			3.4(c)	4	
	3.4(c)	10			3.4(e)		
	3.4(d)	1			4.1		
	4.1(a)	1			4.1(a)	1	
	4.1(b)				4.2		
	4.3				4.4(a)	2	
	4.4(a)	4			5.5(a)	2	
	5.5(a)	3			8.1	1	
	7.1				8.1(a)		
	7.3(a)	1			8.1(b)	3	
	8.1	1			8.2(a)		
	8.1(b)	3			8.4(a)		
	8.4(a)				8.4(b)	2	
	8.4(b)	2			8.4(c)	12	
	8.4(c)	20			8.4(d)	12	
	8.4(d)	25			Total	103	
	8.4(e)						
	Total	164					

## Appendix “D” - 2017 Cases

### **DISBARMENT:**

**HARPER, KENNETH A.**, Bar No. 89022, of Monticello, Arkansas, in case No. D-14-415, was disbarred by Per Curiam issued May 4, 2017, on motion for default judgment when he failed to timely answer the Petition for Disbarment filed May 9, 2014, and then failed to appear for his sanctions hearing, and failed to file his brief to the Supreme Court by April 2, 2017, in response to the findings of fact, conclusions of law and recommendation for the sanction of disbarred entered by Special Judge John Cole on February 17, 2017. The Petition for Disbarment alleged rule violations in Harper’s conduct in five client matters on 2010-2013, including two workers compensation matters, a land matter, a criminal matter, and a divorce case. Harper also continued to practice law and represent clients after his law license was suspended on November 16, 2013 for CLE non-compliance.

**TAPP, JOHN SKYLAR “SKY”**, Bar No. 76123 of Hot Springs, in case No. D-13-150, by Supreme Court opinion issued on May 18, 2017, 2017 Ark. 185, was ordered disbarred on the basis of his combined “serious” misconduct in five of the six complaints involved in the disbarment case. In summary, the 112-page findings of fact filed by Special Judge John Lineberger found that Tapp violated multiple Rules in each of the six complaints. In the Fenimore matter Tapp filed two complex bankruptcies, one personal and another for an LLC for which he did not have LLC authorization to file. In the Dr. Hurst matter, Tapp failed to maintain his client’s \$6,611 in his trust account from 2006 to 2012. In the Schlenker matter, Tapp created a conflict with his clients when he personally bought, at a foreclosure auction sale, a gutted condo that was the subject of litigation by Tapp for his clients who had claims against the owner of the condo Tapp bought. (Found to be lesser misconduct.) In the Bowerman matter, Tapp filed pleadings for his client Bowerman in a lawsuit that failed to disclose Tapp had filed pleadings taking a contrary position for Bowerman in an existing suit with a different party over the same insurance premium debt. In the Riley divorce matter, Tapp failed to acknowledge an agreement his client made at mediation to be bound by the trial judge’s decision as to which of three custody options would be used in the case when the three options were presented to the judge by counsel pre-trial. In the Tankersley matter, Tapp filed improper lis pendens in October 2008 for two unrelated Tapp clients against an entire Lake Hamilton real estate development that had the effect of shutting down condo sales and killing the development, into which one Tapp client (Hampton) had invested or pledged about \$900,000 and the other Tapp client (Hood) was contracted to receive the last condo built in the project, valued by the client at several hundred thousand dollars in 2007. The Tapp clients then suffered the loss of project investment or the expectancy of a nice condo. Between 1984 and 2013 Tapp accumulated fourteen sanctions, thirteen of which were public sanctions, including a 90-day suspension in the latest case, 2014 Ark. 374. His petition for rehearing was denied and the Mandate issued September 28, 2017, ending the case.

### **SURRENDER:**

**WILLIAM CURTIS BAILEY**, Bar No. 2012244, of Conway, while in jail due to several pending drug-related felony charges against him in Pulaski and Faulkner Counties in 2016, petitioned the Supreme Court to surrender his Arkansas law license, on October 23, 2017, Case No. D-17-879, rather than face disciplinary proceedings. By Formal Order issued November 9, 2017, the Supreme

Court accepted his surrender and ordered him barred from the practice of law in the State of Arkansas.

#### **SUSPENSION:**

**NATIONS, HAROLD DAVID “H.D.”**, Bar No. 2013215, of Heber Springs, in Case No. CPC 2016-139, by Findings & Order filed February 15, 2017, had his Arkansas law license suspended for sixty (60) months and was ordered to pay \$1,000 restitution for violations of Rules 1.1, 1.3, 1.16(d), 8.4(c), and 8.4(d) after he defaulted on a Complaint related to his former client Cynthia Zarth (Nelson), who employed Nations for an uncontested divorce in Crittenden County, Arkansas, and paid him his quoted fee of \$1,000, which included a \$165 case filing fee, on May 11, 2015. Nations prepared divorce documents, including a proposed decree which Mr. Nelson executed by June 1, 2015, in Tennessee. Ms. Zarth signed and then sent the executed documents to Nations. In August 2015, Zarth relocated to Michigan, provided Nations her new address, and remained in regular contact with him by text messaging. On August 31, 2015, Nations informed Zarth his mail to the court had been returned, and they would have to start the process all over. Nations mentioned to Zarth he was evaluating his choice of law as a career. On September 18, 2015, Nations informed Zarth another attorney would be taking over her matter from Nations, as Nations was voluntarily surrendering his law license the next week. Nations declined to provide Zarth the name of any attorney who would be taking over her divorce matter. Zarth found out Nations never filed her divorce in Crittenden County, and filed a grievance with OPC on September 24, 2015.

The OPC director contacted Joe Denton, an attorney acquaintance of Nations, who agreed to assist Zarth in her divorce. Denton updated Zarth’s case documents, filed the Complaint for Divorce on January 8, 2016, and the final Decree was taken on March 10, 2016. Zarth does not know who actually paid the \$165 filing fee for her case, but knows Denton did not receive any funds directly from her. An email from Denton to Ligon on August 30, 2016, reveals Nations sent Denton a \$165 check, but Nations’ bank said it was not good. Denton paid for the Zarth filing fee from his funds. Zarth received no refund of any unearned portion of the legal fees or a refund of the \$165 filing fee included in the \$1,000 she paid Nations in May 2015. After his abandonment of Zarth in September 2015, Nations continued to accept clients in at least three court matters in Cleburne County. Nations received a separate reprimand for failure to file a response.

**NATIONS, HAROLD DAVID “H.D.”**, Bar No. 2013215, of Heber Springs, in Case No. CPC 2016-140, by Findings & Order filed February 15, 2017, had his Arkansas law license suspended for sixty (60) months and was ordered to pay \$1,000 restitution for violations of Rules 1.3, 1.16(d), 8.4(c), and 8.4(d) after he defaulted on a Complaint related to his former client Peggy Lairson Owens. In April 2015, Owens needed an attorney to represent her in a divorce filed against her in Poinsett County, Arkansas. Nations agreed to represent Owens, quoted a full fee of \$1,000, and she paid him on June 5, 2015. Owens did not hear from Nations for several weeks. In July 2015 he emailed her a copy of a proposed divorce decree. Owens had issues with it, and Nations was to request more information from her husband’s attorney. From then on Nations went silent on Owens. Her husband even contacted Owens asking what was going on with her lawyer. Starting in early September 2015, Owens sent Nations several texts asking what he was doing and finally asked for a fee refund. He replied that he was stepping away from law for a while and would send her a refund. He left Owens with no attorney and no funds to hire a new one. Owens filed a grievance with OPC on Nations in late September 2015. The OPC director emailed Nations, Joe

Denton, and Owens on September 29, 2015, inquiring of Nations about Owens' status. Denton responded on the same day and said he would try to help Owens.

Denton, a Conway attorney, contacted Owens telling her he was a friend of Nations and wanted to try to help her. Denton entered his appearance in Owens' divorce case on September 30, 2015. A property settlement agreement was worked out and the divorce became final when the decree was entered on October 26, 2015. Denton did not ask Owens for any payment, and she made none to him. It is Owens' information that Denton received no payment from Nations for assisting her. Nations never made any refund to Owens. Since his dealings with and abandonment of Ms. Owens in mid-September 2015, Nations has continued to accept clients in at least three court matters in Cleburne County. Nations received a separate reprimand for failure to file a response.

**NATIONS, HAROLD DAVID "H.D."**, Bar No. 2013215, of Heber Springs, in Case No. CPC 2016-142, by Findings & Order filed February 15, 2017, had his Arkansas law license suspended for sixty (60) months for violations of Rules 3.4(c), 5.5(a), 8.1(b), and 8.4(c) after he defaulted on a Complaint filed by Rodney Welsh. Welsh was a party in a divorce case in Cleburne County Circuit Court, where a decree of divorce was filed in the case February 18, 2014. On March 18, 2015, Nations, representing Welsh's former wife, filed both a Motion for Contempt and a Motion to Modify Child Support against Welsh. Welsh represented himself in the new matters. On May 19, 2016, Nations called Welsh and left a phone message about the case. Welsh checked and learned Nations failed to timely pay his 2016 Arkansas law license renewal fee by April 16, 2016, and his law license was suspended from that date to June 1, 2016, when he paid his fee and was reinstated. Welsh filed a grievance with OPC on May 24, 2016.

By emails on May 20 and 26, 2016, OPC contacted Nations and asked him for his informal response to the Welsh grievance. On July 2, 2016, Welsh received an email from OPC, copied to Nations, informing Welsh that Nations was to be contacting Welsh the coming week. On September 12, 2016, Nations sent Ligon an email, with attachments that appear to involve Welsh. The attachment for Welsh is a letter that purports to be dated July 11, 2014, addressed to Welsh, and apologizing for contacting Welsh about the case at a time when Nations' law license was in suspended status. Welsh received no such letter from Nations. Nations received a separate reprimand for failure to file a response.

**NATIONS, HAROLD DAVID "H.D."**, Bar No. 2013215, of Heber Springs, in Case No. CPC 2016-147, by Findings & Order filed February 15, 2017, had his Arkansas law license suspended for sixty (60) months and was ordered to pay \$665 restitution for violations of Rules 1.16(d), 8.4(c), and 8.4(d) after he defaulted on a Complaint related to his former client Bruce Smith. In March 2016, Smith needed an attorney for a divorce in Cleburne County, Arkansas. Smith contacted Nations, who agreed to represent Smith for \$665 in cash, which included the \$165 filing fee, for what was expected to be an uncontested divorce. Nations told Smith he would communicate with Smith's wife, and if there were no problems, it would be an uncontested divorce and would be final in a little over thirty days after it was filed. Communication and contact by Smith with Nations became difficult. Nations never filed the divorce complaint for Smith. Nations' Arkansas law license was in suspended status between April 16 and June 1, 2016, due to his failure to timely pay his 2016 license renewal fee. After reading negative reviews posted on-line about Nations, on April 28, 2016, Smith texted Nations and asked him for a fee refund. Nations took no

action for Smith, and abandoned Smith as a client. Nations texted Smith on April 29, 2016, and informed Smith a refund would be coming, but he has not refunded Smith any amount.

Smith contacted a North Little Rock law firm and paid the firm \$550.00 to take up his matter. A divorce complaint for Smith on May 18, 2016. On August 22, 2016, Smith appeared with new counsel in Heber Springs for his final hearing. Smith saw Nations in the courtroom representing a client. Smith reports Nations seemed unconcerned about Smith being there with a new attorney to do the job for him that Nations did not do after taking Smith's money. Smith obtained his uncontested divorce on August 22, 2016, on the grounds of eighteen months separation. Since Nations dealings with Smith in March 2016, Nations has accepted at least one other new client in Cleburne County. Nations received a separate reprimand for failure to file a response.

**NATIONS, HAROLD DAVID "H.D."**, Bar No. 2013215, of Heber Springs, in Case No. CPC 2016-151, by Findings & Order filed February 15, 2017, had his Arkansas law license suspended for sixty (60) months and was ordered to pay \$2,500 restitution for violations of Rules 1.3, 1.16(d), 8.4(c), and 8.4(d) after he defaulted on a Complaint related to his former client Mrs. Ashley (Mrs. Heath) Thomas, who had sons TM and JM by Jeffrey Mix. Paternity of the sons by Mix was determined in December 2012 in Cleburne County Circuit Court. In early 2015, Ashley needed a custody revision with Mix regarding their sons before they would start school in August 2015, so she could enroll them in schools closer to her home. Mix's military status was a factor in the location of the sons' schools. Ashley employed Nations in April 2015 for the legal work. Nations negotiated a \$2,500 fee check from Heath on July 14, 2015. As shown by texts between Nations and Ashley starting April 7, 2015, through September 29, 2015, Nations informed her he was working on the papers. As the start of school approached in late July 2015, Nations had not served the father Mix and issues arose with Ashley. Mix was going to enroll the sons in school in Quitman or Heber Springs or Rosebud, when Ashley was trying to get them into Bee Branch.

On August 3, 2015, Nations texted Ashley that he was going to transfer their matter to Conway attorney Joe Denton. On August 21, 2015, Heath texted Nations and asked for the refund of the \$2,500 so they could get a new attorney. On September 10, 2015, Nations texted the Thomases that he had shifted a lot of his cases to other attorneys and his accountant was doing something for him, possibly about their refund. By text on September 15, 2015, Nations was confirming to the Thomases he would pay them the \$2,500 refund when he had it, so they could hire Denton if they desired to. Ashley contacted Denton and was informed he had not heard from Nations about the matter. Nations has made no refund to the Thomases, despite promising to do so. Without the funds the Thomases paid Nations, they did not have funds to employ another attorney on this matter. On January 15, 2016, Heath filed a grievance against Nations with OPC, and Director Ligon contacted Nations, who responded. On July 2, 2016, Ligon requested that Nations write the Thomases. On September 12, 2016, Nations provided Ligon a copy of the letter (dated July 5, 2014) purportedly mailed to the Thomases. The Thomases state they have received no letter of any kind from Nations. Court documents show that Nations has continued to accept and represent clients in other court matters in Cleburne County. Nations received a separate reprimand for failure to file a response.

**MORITZ, WILLIAM KURT**, Bar No. 99021 of Hope, Arkansas, on a complaint filed by Michael R. Bair, by Committee Findings & Order filed June 12, 2017, in Case No. CPC 2016-153, received a Six (6) Months License Suspension and \$1,000 fine for violations of Rules 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), and a separate Reprimand and \$1,000 fine for failure to respond to the

Complaint. Bair was a *pro se* defendant in a civil suit involving a promissory note, and a default judgment had been entered against him. The court issued an order to show cause against Bair for failure to provide a list of assets. Prior to court on December 15, 2015, Bair saw Moritz outside court and spoke to him. Moritz had represented Bair previously in a separate matter. For \$500, Moritz agreed to represent Bair in the post-judgment matter. Bair was found in contempt but allowed an opportunity to purge the contempt by preparing an accurate and complete schedule of assets within ten days of the entry of the court's order. After court, Moritz told Bair that he would take care of everything and if he needed anything that he would call. Bair did not have any communication from Moritz thereafter. On July 27, 2016, a deputy from the Hempstead County Sheriff's Office took Bair to the Hempstead County Jail by order for Bair's failure to comply with the April 18, 2016, order. Bair was held in jail until a cash bond was paid. Upon release, Bair called Moritz at his office, but Moritz was unable to speak to him by phone. Bair went to Moritz's office, but Moritz was not there. Bair employed new counsel who filed the schedule of assets on Bair's behalf. Moritz was served with the Committee's Complaint, had thirty days to file a timely response, failed to do so, and, pursuant to §9.C(4) of the Procedures, his failure to respond constituted an admission of the factual allegations of the complaint and extinguished his right to a public hearing.

**MORITZ, WILLIAM KURT**, Bar No. 99021 of Hope, Arkansas, on a complaint filed by Deborah Dillard, by Committee Findings & Order filed June 12, 2017, in Case No. CPC 2016-161, received a Sixty (60) Months License Suspension and \$5,000 fine for violations of Rules 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 3.3(a)(1), 3.4(c), 4.1(a), 8.4(c), 8.4(d), and a separate Reprimand and \$1,000 fine for failure to respond to the Complaint.

Dillard and her siblings employed Moritz to represent their interests in the probate of their father's estate. Their stepmother filed a will in Calhoun County Circuit Court and the siblings wanted to contest the will. There was no written fee agreement, but the Dillard family paid Moritz \$9,000 by check in August 2014. In September 2014, Dillard's aunt provided her with a legal notice that was published in the estate. Dillard sent the notice to Moritz on September 3, 2014. In April 2015, Dillard sent an email to Moritz asking about the status of the case. Dillard sent other emails to Moritz and placed calls to his office and left messages requesting an appointment. There was no response from Moritz to any of the emails or telephone messages. In May 2015, the Dillard family employed new counsel to represent their interests. The attorney sent notice to Moritz directing him to provide her with the Dillard client file. Moritz did not respond. Moritz was subpoenaed to appear at a deposition and provide the client file and did so prior to the deposition. The client file contained little information. Nothing was ever filed on behalf of Dillard and her siblings. The Dillard family filed suit against Moritz in July 2015. The parties were directed to attend mediation. Mediation resulted in an agreement that Moritz pay the Dillard family \$7,000 by March 16, 2016. Moritz failed to pay the money. Trial was set for trial on March 31, 2016. At trial, Moritz's wife, an attorney, appeared on behalf of her husband. An agreement was reached that Moritz, or his agent, would deliver \$7,600 to the office of the Dillard family's attorney in Texarkana by no later than 4:00 p.m. on March 31, 2016. Moritz failed to deliver the money by the attorney's close of business, leaving a note taped to the front door of the attorney's office stating that he would bring the money the following day. He also left a message on the attorney's telephone stating that he was trying to locate her office. Moritz spoke to attorney's assistant the following day and advised that he would have the money at attorney's office within 45 minutes. Moritz did not deliver the



money on that day. Attorney placed a call to Moritz and advised that if he did not provide the money by end of business on April 4, 2016, she would file for contempt.

A motion for contempt was filed and Moritz responded, admitting he was in contempt. A hearing on the contempt motion was heard on April 26. Following the testimony and exhibits, the court found Moritz in contempt and directed the Hempstead County Sheriff to take him into custody until he could cure the contempt. Moritz provided the money and was released from custody. On January 6, 2017, Moritz was served with a copy of the formal complaint and he failed to file a timely response, which pursuant to §9.C(4) of the Procedures constituted an admission of the factual allegations of the complaint and extinguished his right to a public hearing.

**WEST, KYLE A.**, Bar No. 2012292 of Sherwood, Arkansas, in CPC 2015-103, by Committee Findings & Order filed June 20, 2017, on a complaint filed by the Sixth District Prosecuting Attorney, for violations of Rules 8.4(b) and 8.4(c), had his license suspended for Twenty-Four (24) Months and was directed to continue with the Arkansas Judges and Lawyers Assistance Program during his term of suspension. In July 2015, West was found guilty in North Little Rock District Court of misdemeanor Conduct Constituting Attempt to Obtain Drugs by Fraud and was sentenced to a one-year jail sentence, which was suspended, and fined \$300. This conduct is classified as a “serious crime” under Section 2.J(3) of the attorney discipline Procedures, as it involves misrepresentation, deceit or fraud. West presented forged prescriptions, purporting to bear the signature of a physician, at a drug store in an attempt to acquire a controlled substance. In his response to the Complaint, West admitted that at the time he presented the forged prescriptions he was impaired and knew the wrongfulness of his conduct.

**MORITZ, WILLIAM KURT**, Bar No. 99021, of Hope, had his Arkansas law license placed on a sixty (60) month suspension and was ordered to pay \$2,000 restitution by Findings & Order filed November 27, 2017, in Committee Case No. CPC-2017-004, on a complaint by Melissa Diane Hicks arising out of representation in a divorce matter, for violating Rules 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4) and 1.16(d). Hicks employed Moritz in June 2016 to represent her in a divorce matter in which he charged her \$3,000. Hicks paid \$2,000 of the \$3,000. Moritz filed a complaint for divorce on behalf of Hicks. After Hicks met with Moritz in September 2016, she placed calls to Moritz and left messages at his office telephone number and his mobile telephone number. Moritz failed to return Hicks’ calls. In December 2016, Hicks sent a letter to Moritz terminating the representation and requesting a return of her file and a refund of unearned fees. In January 2017, Hicks received a call from Moritz’s new assistant to pick up interrogatories filed by Hicks’ husband. While picking up the interrogatories, Hicks left a second letter for Moritz terminating the representation. Despite the two letters, Hicks never received a fee refund or her client file. The panel found Moritz’s prior disciplinary history was to be considered in determining the sanction.

#### **INTERIM SUSPENSION:**

**MORRIS, III, THOMAS C.**, Bar No. 84110 of Bella Vista, Arkansas, in Committee Case No. CPC-2017-010, by Committee Order of Interim Suspension filed April 21, 2017, was placed on Interim Suspension with a finding that Morris presently poses a substantial threat of serious harm to the public or his client(s).

**POWELL, BRYAN LEON**, Bar No. 2003151 formerly of Bentonville, Arkansas, and now residing in Ohio, in CPC-2017-012, by Committee Order of Interim Suspension filed May 19, 2017, was placed on Interim Suspension with a finding that Powell poses a substantial threat of serious harm to the public or his clients.

**SHOPTAW, STEPHEN ANTHONY**, Bar No. 2012145 of Prattsville, Arkansas, in CPC-2017-013, by Committee Order of Interim Suspension filed May 19, 2017, was placed on interim suspension on a petition filed by the Executive Director that alleged Shoptaw poses a substantial threat of serious harm to the public or to the lawyer's clients. According to public records, Shoptaw was found guilty of criminal conduct, driving while intoxicated and refusal to submit, in Grant County District Court in 2015. In 2016, Shoptaw was charged in Little Rock District Court with public intoxication. He failed to appear on Little Rock District Court on that charge. Shoptaw is charged in Grant County Circuit Court with felony theft of property in No. 27CR-17-50.

**WEST, KYLE A.**, Bar No. 2012292 of Sherwood, Arkansas, by Committee Order of Interim Suspension filed May 1, 2017, was placed on Interim Suspension with a finding that West has been found guilty of a Serious Crime and poses a substantial threat of serious harm to the public or his clients. According to public records, West was found guilty in North Little Rock District Court of Conduct Constituting Attempt to Obtain Drugs by Fraud, a misdemeanor. Though a misdemeanor, the conviction is a serious crime under the §2(J) of the Procedures. West is additionally charged in Pulaski County Circuit Court with theft of property in Pulaski County Circuit Court Case No 60CR-16-1209; charged in Little Rock District Court with theft of property and possession of an instrument of crime in Little Rock District Court Case No. LRCR-17-266; and, charged in Pulaski County District Court with burglary and theft of property in No. PCS-17-1867.

**HART, CHRISTOPHER ROBERT**, Bar No. 2003084, of Little Rock, had his Arkansas law license placed on interim suspension by Order filed August 25, 2017, in Committee Case No. CPC-2017-022, based on a finding by a Committee panel that Hart presently poses a substantial threat of serious harm to the public and his clients if he continues to practice law and based, in part, on his pending felony drug charges in Garland and Johnson Counties.

**REPRIMAND:**

**KING, MICHAEL J.**, Bar No. 88124, of Hot Springs, in Committee Case No. CPC-2016-128, by Consent Findings & Order filed February 17, 2017, was reprimanded and agreed to pay \$8,000 in restitution to former client Albert Mack, III, for violations of Rules 1.5(a) and 1.16(d). King represented Mack and wife in a guardianship proceeding in Hot Spring County, Arkansas, in No. 30PR-12-194, from November 2012 through April 5, 2013, as they sought guardianship of their minor cousin Austin Prine, whose mother's whereabouts were then unknown and whose father was in prison. An Order of Guardianship was filed April 5, 2013. By early April 2013, Mack had come under suspicion for some alleged sexual misconduct with L. M., the minor (age four) female child (DOB 2008) of Mack and Mrs. Mack. Foreseeing the need for legal counsel in the matter, on April 10, 2013, Mack paid \$1,500 to King as a retainer. Mack is not aware of any written fee or employment agreement with King for legal services in the rape / DHS matters. After his arrest and bonding out on the charge, Mack paid King \$7,500 on April 12, 2013, as an additional payment on a quoted fee of \$14,000 for King's representation of Mack in both matters. On May

9, 2013, in Hot Spring County Circuit Court, the State filed a Class Y Felony Rape charge against Mack, an offense punishable by 10-40 years or life in prison. On May 14, 2013, Mack borrowed \$5,000 from Ms. Balentine, his mother, and paid King the final balance of the \$14,000 legal fee.

The docket sheet for the rape case shows the only appearance or entry attributable to King in the case is a Motion for Discovery to the State he filed on June 11, 2013. By letter of June 20, 2013, King notified OAH (DHS) that he represented Mack and a hearing was requested. This is believed to be the only document generated by King to DHS or OAH regarding Mack's matter at DHS. Due to lack of contact and communication with King in June, Mack began to become anxious about his legal counsel and fate. He communicated with his mother. A non-lawyer acquaintance of Mack's in Hot Springs directed Mack to Dr. William Viser in Arkadelphia, a counselor with experience in such matters. After visiting with Dr. Viser, Mack was referred to Arkadelphia attorney Bob Sanders. Mack then employed Sanders and paid his \$15,000 legal fee with funds borrowed from his mother, Ms. Balentine. Dr. Viser worked with Mack and Sanders from late June 2013 through March 2014. Dr. Viser never had any contact with King about Mack. King had effectively abandoned his client Albert Mack by June 26, 2013. By letter of that date, Mack attempted to terminate the legal services of King and asked for an accounting of the \$14,000 paid and a refund of unbilled/unearned fees, but received no response from King and no refund.

From late June - through July 15, 2013, Sanders had extensive written communications with the Hot Springs County Prosecutor on the criminal charge and with DHS on the Mack matter there. Most of these communications were also copied to King. After a hearing in the criminal case on July 15, 2013, at which King and the Mack family did appear, Sanders wrote King that day and asked about his future role representing Mack. King did not respond. King completely abandoned his client Albert Mack after July 15, 2013. After the July 15 hearing, Sanders again communicated extensively with the prosecutor and the court on behalf of Mack. Most of these communications were also copied to King. Sanders filed a motion for supervised visitation for Mack and the motion was set for hearing on September 11, 2013. King was notified of the hearing but did not appear. After a hearing on September 11, 2013, on September 24, 2013, Sanders wrote King about the status of Mack's matters. King did not respond. Thereafter, it appears Sanders no longer copied King on matters pertaining the Mack.

On October 3, 2013, Mack's rape case was set for a two-day jury trial on January 30-31, 2014. On January 10, 2014, Mrs. Mack signed an affidavit of non-prosecution for their daughter L.M., and the State nolle prossed the rape charge against Mack. In February 2014, the DHS case against Mack was closed. OPC notified King of the grievance on June 24, 2014, and requested his informal version of the matter. After several contacts, King replied by letter dated August 27, 2014, claiming, among other things, that King knew from previously representing the Macks in an "adoption" that Alfred Mack was a "high maintenance" client. King provided no documentation of his activity in representing Mack. The only fee amount King mentioned was a \$7,500 retainer on the rape charge.

King was involved in a personal Chapter 13 bankruptcy that was dismissed on July 15, 2013, for non-payment of the plan amounts. It appears that by then King was insolvent, while he was accepting the Mack fee funds. On July 25, 2013, a bank filed a foreclosure case against King and wife over debts from notes going back to 2008 secured by their residence and three vehicles. A decree of foreclosure was entered December 2, 2013, granting judgment against the Kings for

about \$262,840 plus \$11,000 in attorney's fees. Albert Mack received no accounting of the \$14,000 fee paid nor any fee refund from King.

**NATIONS, HAROLD DAVID "H.D."**, Bar No. 2013215, of Heber Springs, in Case No. CPC-2016-157, by Findings & Order filed February 15, 2017, defaulted on a complaint by Circuit Judge Holly Meyer, and was reprimanded for violating Rules 3.4(c) and 5.5(a) and assessed \$50 costs and received a separate reprimand for failure to file a response. Nations was licensed to practice law in Arkansas in September 2013. Under Rule 3 of the Arkansas Supreme Court's Rules for Minimum Continuing Legal Education, he was required to obtain at least twelve hours of continuing legal education (CLE) each CLE year (July 1 - June 30) to keep his law license in good standing and not have it go into suspended status. Nations failed to comply with the CLE requirement as of June 30, 2016, and thereafter was mailed notices of noncompliance, intent to suspend, and an order of license suspension during the period from September 6 - November 7, 2016. Nations appeared in court before Judge Meyer and participated in a hearing on November 14, 2016. On November 15, 2016, Judge Meyer learned Nations' law license was in suspended status at the hearing November 14, 2016, and she reported him to the disciplinary office.

**VALLEY, JAMES F.**, Bar No. 96052 of Helena-West Helena, by Consent Findings & Order filed April 21, 2017, in CPC 2016-164, for his violation of Rule 8.4(d), consented to a Reprimand and \$100 fine. Sherrie Currie was charged with a felony offense in Craighead Circuit Court in Jonesboro. Valley, of Helena, entered his appearance for Currie. Valley's oral motion for a continuance of Currie's trial was granted and an Order was entered setting her motion and plea day for October 2, 2015, and the jury trial for October 19-23, 2015. On October 20, 2015, at 9:17 a.m., Valley filed a notice of intent to rely on mental disease or defect as Currie's defense. The same day two orders for Currie's mental evaluation were filed. On the morning of October 21, 2015, Dr. Thomas examined Currie. That afternoon Dr. Thomas testified by telephone at a hearing on the Currie motion, stating she was fit for trial. The trial judge announced Currie's jury trial would start the next morning, October 22. Valley told the judge he would not attend the Currie trial as he had been subpoenaed to be a witness in a case in Phillips County District Court on October 22. The trial judge directed Valley to attend the Currie trial.

Court convened on the morning of October 22, 2015, for the Currie jury trial, with a pool of 59 jurors and Ms. Currie present. Valley did not appear. The jury was sent home. Ms. Currie's trial was reset for December 10-11, 2015. At 9:20 a.m. on October 22, 2015, Valley fax-filed a notice of contest of Dr. Thomas's findings and a "Second Notice of Conflict With Court Date [October 22] with a copy of the witness subpoena issued October 19, 2015, by the Helena-West Helena District Court for a court appearance on October 22, 2015. Valley attended court in Helena district court on the afternoon of October 22. On October 22, 2015, an order of continuance and resetting her jury trial for December 10-11, 2015, signed by Currie, was filed in Currie's case.

On October 22, 2015, at 11:04 a.m., the State filed a Motion for Show Cause directed to Valley for his failure to attend Currie's trial on that date, and an Order was entered setting the show cause hearing for November 18, 2015. The Show Cause hearing was held November 18, 2015. A transcript was prepared. Valley testified or did not dispute assertions that he made no effort to seek a continuance of the Helena District Court case or to quash that witness subpoena, timely seek a continuance in the Currie case, or to provide the judges in the respective cases an opportunity to confer and see if they could resolve Valley's October 22 conflict between the two courts. At the

conclusion of the hearing, Judge Fowler found Valley was in willful contempt and ordered him to pay \$885 for the jurors dismissed and paid by Craighead County, \$114.80 in restitution to the Prosecutor's Office, and a fine of \$500.00. An Order of Contempt was filed January 5, 2016, setting out the court's findings and sanctions against Valley, who appealed. Valley tried Currie's case to a jury, she was found guilty, and the Sentencing Order was filed December 14, 2015. The Supreme Court issued its Opinion in Valley v. State on December 8, 2016, 2016 Ark. 443, unanimously affirming the trial court's order of contempt against Valley.

**MORITZ, WILLIAM KURT**, Bar No. 99021, of Hope, was reprimanded, fined \$2,500, and ordered to pay \$650 restitution by Findings & Order filed November 27, 2017, in Committee Case No. CPC-2017-006, on a complaint by Brenda P. Perez arising out of representation in a divorce matter, for violating Rules 1.3, 1.4(a)(3), and 1.4(a)(4). Perez met with Moritz on August 5, 2016, to discuss representation in a divorce case. Moritz stated that his fee would be \$650, which Perez paid in full. Moritz stated that it would take a month to prepare the paperwork. Perez waited to hear from Moritz but never did. Perez placed calls to Moritz's office but was only able to speak to Moritz's secretary. Unable to get an appointment with Moritz, Perez went to his office in January 2017, found the office door open, but nobody was present in the office. After waiting, Perez called the office number, but nobody answered the telephone. Perez had no communication with Moritz after August 2016 and nothing was ever filed on her behalf. The panel found Moritz's prior disciplinary history was to be considered in determining the sanction.

**CAUTION:**

**CLIFFORD, EUGENE P.**, Bar No. 2012100, of Little Rock, in CPC 2016-114, by Consent Findings & Order filed February 17, 2017, was cautioned and agreed to pay \$500 in restitution to former client William Duffel for a violation of Rule 1.3 regarding Clifford's handling of an ancillary probate matter on decedent Elizabeth Duffel.

Final actions from April 1- June 30, 2017, by the Committee on Professional Conduct. Summaries prepared by the Office of Professional Conduct (OPC). Full text documents are available on-line either at <http://courts.arkansas.gov> and by entering the attorney's name in the attorney locator feature under the "Directories" link on the home page, or also on the Judiciary home page by checking under "Opinions and Disciplinary Decisions." [The "Model" Rules of Professional Conduct are for conduct prior to May 1, 2005. The "Arkansas" Rules are in effect from May 1, 2005.]

**KIENLEN, TERRI W.**, Bar No. 2001181, of Conway, in CPC 2016-158, by Consent Findings & Order filed March 17, 2017, was cautioned and agreed to pay \$500 restitution to former client Candi Beck for violating Rules 1.1, 1.3, 1.4(a)(3), and 1.4(a)(4) in Beck's divorce matter. After being employed and paid, Kienlen waited over one year to file Beck's divorce complaint, did not maintain appropriate contact and communications with Beck, and Beck finally employed another attorney, who got husband in Texas to re-execute needed documents and obtained the final decree within about two months of employment.

**LEWRIGHT, JOHN A.**, Bar No. 2002054 of Cassville, Missouri, in CPC 2016-134, by Findings and Order filed April 18, 2017, was cautioned for failing to file a response after being served with a formal Complaint against him from the Office of Professional Conduct and fined \$500.

Final actions from July 1-September 30, 2017, by the Committee on Professional Conduct. Summaries prepared by the Office of Professional Conduct (OPC). Full text documents are available on-line either at <http://courts.arkansas.gov> and by entering the attorney's name in the attorney locator feature under the "Directories" link on the home page, or also on the Judiciary home page by checking under "Opinions and Disciplinary Decisions." [The "Model" Rules of Professional Conduct are for conduct prior to May 1, 2005. The "Arkansas" Rules are in effect from May 1, 2005.]

**RHODES, KEITH G.**, Bar No. 77110, of Des Arc, by Consent Findings & Order filed July 21, 2017, in Committee Case No. CPC 2017-015, on a filed opened as a result of a media inquiry, on admitted violation of Rule 8.4(d), agreed to a caution. In September 2012, Frederick Owens was charged with first degree murder in Prairie County, Arkansas, and Owens was in custody in jail or prison until April 2016. In April 2016, the case, not having been tried, was dismissed on a speedy trial violation. Rhodes was the deputy prosecuting attorney for Prairie County from before September 2012 through December 2014, and directly responsible for ensuring the Owens case was timely processed and that a speedy trial violation did not occur.

**MAY, QUENTIN ELLERY**, Bar No. 2006034, of Little Rock, by Consent Findings & Order filed September 15, 2017, in Committee Case No. CPC 2017-017, on a complaint filed by Tina Warner of Bryant, Arkansas, on admitted violations of Rules 1.3, 1.4(a)(3), and 1.16(d), agreed to a caution and \$5,000 fee restitution to Warner. In 2015 Warner retained May and paid him a \$5,000 retainer. Later, Warner had difficulty contacting May and obtaining information from him about the matter. In May 2016, Warner discharged May, and employed and paid new counsel in Arkansas \$2,500 to handle the same matter. New counsel could not obtain the file from May. In March 2017, OPC got the file from May and provided it to new counsel. May has refunded \$2,500 of the fee and made promises to pay the remainder very soon.

**SKINNER, MARY ELIZABETH**, Bar No. 2003178, of Stuttgart, by Consent Findings & Order filed October 20, 2017, in Committee Case No. CPC 2017-016, on a complaint filed by Jason Smith and Cedar Corner Farm of Prairie County, Arkansas, on admitted violations of Rules 1.1, 1.2(a), 1.3, 1.4(a)(3), 1.4(a)(4), 8.4(c), and 8.4(d), agreed to a caution and agreed restitution had already been paid to the former clients. Cedar/Smith had leased a farm for years from the Reitz family, with the current lease set to expire in 2012. A dispute arose, and Cedar/Smith engaged Skinner for representation. Reitz sued Cedar/Smith and Skinner answered. Reitz filed an amended complaint and Skinner failed to answer and failed to notify her clients, leading to a default judgment being entered. Cedar/Smith removed their farm equipment from the Reitz land after harvesting the 2014 crop. Upon learning of the default judgment in September 2016, Cedar/Smith made demand on Skinner for \$30,000 for their damages. In February 2017, Skinner paid her former clients and their new lawyer \$30,000.