

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B**

IN RE: **JIMMIE LEE WILSON**  
Arkansas Bar ID # 73128  
CPC Docket No. 2012-022

**CONSENT FINDINGS & ORDER**

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Jimmie Lee Wilson of West Helena, Phillips County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Moses Watts, Sr. of Pine Bluff. Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

1. On August 6, 2010, Moses Watts, Sr of Pine Bluff met with Mr. Wilson at Wilson's office in West Helena, employed Wilson to handle an employment matter against International Paper Company, and made an initial \$500 payment on a fee shown as \$2,500 on the receipt he received. Watts states there is no written employment contract or fee agreement between them, to his knowledge. On September 3, 2010, Mr. Watts paid an additional \$750 on the fee, leaving a \$1,250 balance. According to Mr. Watts, their agreement was that Watts would have to pay the \$2,500 in full before Mr. Wilson would start his claim.

2. Watts paid the balance of the full fee by October 29, 2010. They met in Wilson's West Helena office in December 2010 and Wilson told Watts the documents would be sent to Watts soon for his review. They spoke on or about March 14, 2011, and Wilson again told Watts the draft would be sent to Watts by March 17. Watts never received any documents, or

any other communication, from Wilson since then. Mr. Watts has no evidence that Mr. Wilson has done any work in Watts matter.

3. Mr. Watts wrote Mr. Wilson on March 30, June 3, and October 26, 2011, inquiring about the status of his matter and finally requesting a refund of his fee so Watts could employ another attorney in the matter. Mr. Watts states he has paid the full \$2,500 but has never been presented any documents to go forward on his claim or received any fee refund. Mr. Watts now believes the time within which any claim for him could have been filed has expired.

4. The Office of Professional Conduct (OPC) contacted Mr. Wilson's office, asking for his version of these events, on January 14, 2012 (by mailed and faxed letter), March 2 (e-mail), March 6 (e-mail), and by telephone (with Ms. Adria Wilson his office manager, as evidenced by her March 14 letter). OPC has received no response from Mr. Wilson other than the March 14 letter.

Upon consideration of the formal complaint and attached exhibits, admissions made by the Respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of Jimmie L. Wilson, as set forth in the attached Exhibits, violated Rule 1.3, to wit:

1. Mr. Wilson failed to take action after August 6, 2010, to file and pursue a claim for Mr. Watts against Mr. Watts' employer, resulting in Mr. Watts having now lost the right to pursue his claim legally.

Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. The conduct of Jimmie L. Wilson, as set forth in the attached Exhibits, violated Rule 1.4(a)(4), to wit:

1. On March 14 (regular mail), June 3 (certified and signed for), and October 26, 2011 (certified and unclaimed), and since then, Mr. Wilson has failed to respond to Mr. Watts' reasonable requests for information about the legal matter Mr. Watts had entrusted to Mr. Wilson in August 2010.

Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

C. The conduct of Jimmie L. Wilson, as set forth in the attached Exhibits, violated Rule 1.4(b), to wit:

1. If Mr. Wilson had advised his client Mr. Watts at any time up to March 14, 2011, that circumstances and situations not involving Watts might cause Wilson to fail to file Watts' claim and pursue it, the client would have had an opportunity to consider employing other counsel to represent the client in the same matter and possibly receive the relief the client sought.

Arkansas Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

D. The conduct of Jimmie L. Wilson, as set forth in the attached Exhibits, violated Rule 1.16(d), to wit:

1. In response to the request in Mr. Watts' certified mail letter of June 3, 2011, Wilson has failed to refund any unearned portion of the \$2.500 fee paid by Watts.

2. In response to the request in Mr. Watts' certified mail letter of October 26, 2011, Wilson has failed to refund any unearned portion of the \$2.500 fee paid by Watts.

3. In response to the requests in Mr. Watts' certified mail letters of June 3 and October 26, 2011, Wilson has failed to return to Watts any of the documents Watts brought to Wilson to be used in pursuit of Watts claim against his employer.

Arkansas Rule 1.16(d) requires that, upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

WHEREFORE, in accordance with the consent to discipline presented by M and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **JIMMIE LEE WILSON**, Arkansas Bar No. 73128, be, and hereby is, **REPRIMANDED** for his conduct in this matter, ordered to pay \$2,500.00 restitution for Moses Watts, Sr., and assessed \$50.00 case costs. The restitution and costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL B

By /s/ Barry Deacon, Chair, Panel B

Date: December 14, 2012

Original filed with the Arkansas Supreme Court  
February 1, 2013