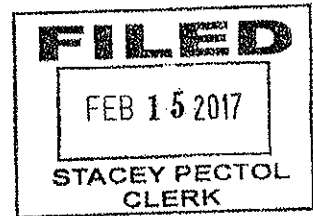


BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: **HAROLD DAVID ("H. D.") NATIONS**, Respondent
Arkansas Bar ID # 2013215
CPC Docket No. 2016-140



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Peggy Lairson Owens (Owens) in September 2015. The information related to the representation of Owens in a divorce by Respondent Harold David Nations (Nations), an attorney practicing primarily in Heber Springs, Cleburne County, Arkansas. On December 5, 2016, Respondent was served with a formal complaint, supported by the affidavit of Owens. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

1. In April 2015, Owens needed an attorney to represent her in a divorce filed by her husband against her in Poinsett County, Arkansas.
2. Nations was a friend of Owens' daughter, so Owens contacted him. Nations agreed to represent Owens. They met and discussed her case. Nations quoted Owens a full fee of \$1,000, and she paid him by bank card on June 5, 2015.
3. 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.

4. 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.

5. Owens filed a grievance against Nations with the Office of Professional Conduct (OPC) in late September 2015. Stark Ligon of OPC 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.

6. 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, and proceeded to work for her. A property settlement agreement was worked out and the divorce became final when the decree was entered on October 26, 2015.

7. 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.

8. Since his dealings with and abandonment of Owens in mid-September 2015, Nations has continued to accept clients in at least three court matters in Cleburne County, the Martin, Osburne, and West cases.

Upon consideration of the formal complaint and attached exhibit materials, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. The conduct of H. D. Nations violated Rule 1.3 in that after being paid in early June 2015 to represent Peggy Owens in the divorce filed by her husband, Nations did no work, failed to communicate with opposing counsel, delayed the progress of the divorce case, and in mid-September 2015 abandoned Owens as a client. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. The conduct of H. D. Nations violated Rule 1.16(d) in that after receiving \$1,000 from Peggy Owens in June 2015, Nations failed to represent her in the pending divorce case, abandoned her as a client by mid-September 2015, failed to account to Owens for his use of her funds, and failed to refund the unearned portion of the \$1,000. 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.

C. The conduct of H. D. Nations violated Rule 8.4(c) in that (1) Nations made a false statement by text messages to his client Peggy Owens during September 2 - 15, 2015, when he informed Owens he would be figuring her refund and send it to her and did not do so, and (2) Nations continued to take clients and file or enter their new matters in late 2015 and 2016 after he had abandoned Owens as his client and had informed her he was stepping away from law practice at that time. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

D. The conduct of H. D. Nations violated Rule 8.4(d) in that Nations accepted his full fee

from Owens on June 5, 2015, to represent her in a filed divorce, failed to file anything for her according to the case docket, or do other work for her that she is aware of, and abandoned her by mid-September 2015, thus depriving her of the opportunity to be timely represented for the fee she had paid Nations. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that the Arkansas law license of **HAROLD DAVID NATIONS, Arkansas Bar ID# 2013215**, be, and hereby is, **SUSPENDED FOR SIXTY (60) MONTHS** for his conduct in this matter. Nations is also assessed standard case costs of \$50.00 and ordered to pay \$1,000.00 restitution for the benefit of Joe Denton. As a condition of his future reinstatement from suspension, Nations shall provide adequate proof of payment of the restitution. For his failure to file any response to the Complaint, Nations is further sanctioned with a separate **REPRIMAND**.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court, and shall be concurrent from its effective date with any other suspension on Respondent now in effect or imposed. The costs and restitution 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 within 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 A

By: Steven Shults
Steven Shults, Chair, Panel A

Date: January 24, 2017