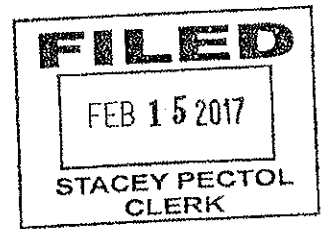


BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A



IN RE: HAROLD DAVID "H. D." NATIONS, Respondent  
Arkansas Bar ID # 2013215  
CPC Docket No. 2016-142

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 Rodney Welsh (Welsh) in May 2016. The information related to the representation of Welsh in post-divorce matters 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 Welsh. 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. Welsh was a party in a divorce case in Cleburne County Circuit Court, Case No. DR-2013-251, Carrie Willis v. Rodney Welsh. A decree of divorce was filed in the case February 18, 2014.
2. On March 18, 2015, Nations, representing Welsh's former wife Willis, filed both a Motion for Contempt and a Motion to Modify Child Support against Welsh. Welsh represented himself in the new matters.
3. On May 19, 2016, Nations called Welsh and left a phone message about the Willis v. Welsh case.

4. 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.

5. Welsh filed a grievance against Nations with the Office of Professional Conduct (OPC) on May 24, 2016.

6. By emails on May 20 and 26, 2016, Stark Ligon at OPC contacted Nations and asked him for his informal response to the Welsh grievance.

7. On July 2, 2016, Welsh received an email from OPC that was copied to Nations at his Nations Law, PLLC address, informing Welsh that Nations was to be contacting Welsh the coming week.

8. On September 12, 2016, Nations sent Ligon an email with attachments that appear to involve Welsh. The attachment for Welsh was a letter that purported to be dated July 11, 2014, addressed to Welsh, and apologizing for contacting Welsh about Willis v. Welsh at a time when Nations' law license was in suspended status. Welsh received no such letter from Nations.

9. On September 14, 2016, Nations filed and sent Welsh a Motion for Continuance in Willis v. Welsh.

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 3.4(c) in that Nations failed to pay his 2016 Arkansas bar license fee by April 15, 2016, as required by Arkansas Supreme Court

Rule VII.C, Rules Governing Admission to the Bar. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

B. The conduct of H. D. Nations violated Rule 5.5(a) in that Nations failed to pay his 2016 Arkansas Bar license fee by April 15, 2016, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license from April 16, 2016, to June 1, 2016, when he paid his 2016 license fee and was reinstated to good standing. Nations practiced law, including on the Willis v. Welsh matter, while his law license was suspended during this period. Arkansas Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

C. The conduct of H. D. Nations violated Rule 8.1(b) in that (1) By emails on May 20 and 26, 2016, the Office of Professional Conduct contacted Nations and requested information from him about a disciplinary matter involving Rodney Welsh and Nations did not reply, and (2) By emails on July 2, August 8, August 22, and September 6, 2016, the Office of Professional Conduct asked Nations to send written communications to his various clients and Welsh, as listed by OPC, and inform them of the status of their matters in which Nations was or had been involved. On September 12, 2016, Nations sent OPC copies of five letters Nations purportedly sent to the named clients or former clients in July 2016, none of which were apparently received by the addressee, including Welsh. Arkansas Rule 8.1(a) provides that ... , or a lawyer in connection with ... a disciplinary matter, shall not: (a) ... ; or (b) ... knowingly fail to respond to a lawful demand for information from an admissions or disciplinary

authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

D. The conduct of H. D. Nations violated Rule 8.4(c) in that on September 12, 2016, Nations informed the Office of Professional Conduct that he sent Welsh a letter in July 2016, but no such letter was received by Welsh. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

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. 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 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