

BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B

IN RE: MELYNDA GIBSON PEARSON  
Arkansas Bar ID #95076  
CPC Docket No. 2018-004

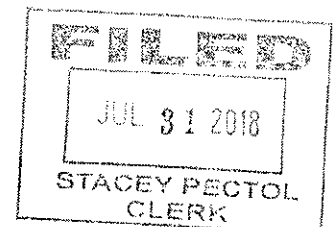
FINDINGS AND ORDER

The formal charges of misconduct against Melynda Gibson Pearson upon which this Findings and Order is based arose from a grievance filed by Lori Nelson. Pearson is an attorney practicing primarily in Texarkana, Texas.

In February 2016, Lori Nelson retained Pearson to represent her in Miller County Circuit Court DR-2016-94. In April and May 2016, opposing counsel provided Pearson with three checks (\$849.28, \$690.00, and \$150.72) originating from Mr. Nelson's insurance company to Mr. Nelson who had endorsed the checks. Opposing counsel requested that the money be paid to the provider or reimbursed to Nelson if she had already paid the funds. Those checks cleared in late May and early June 2016.

In July 2016, Nelson provided an invoice to Pearson's office and requested funds be paid to the provider. In the divorce, the parties entered into a Settlement Agreement following mediation. In August 2016, Nelson asked about protection orders and mediation agreement, Pearson responded stating in part "...I am not gonna leave you hanging under any circumstances..." Nelson continued to contact Pearson's office to find out if payment had been made to the providers from the funds provided to Pearson by opposing counsel.

On December 13, 2016, Nelson delivered a letter to Pearson's office terminating Pearson's representation. The letter also requested a refund of legal fees paid, an accounting of insurance funds received by Pearson's office for payment of dental expenses, and a distribution



to Nelson of any insurance funds that remain with Pearson and had not been paid. The following day, Pearson filed her Motion for Withdrawal of Counsel which included a copy of Nelson's December 13 letter as an exhibit. Nelson retained a new attorney to represent her in her divorce, and the court filed the Final Decree of Divorce in Miller County DR-2016-94 on December 29, 2016.

On December 29, 2016, Nelson emailed Pearson asking if the following items were ready to be picked up: refund of legal fees paid, an accounting of insurance funds received by Pearson's office for payment of dental expenses, and a distribution to Nelson of any insurance funds that remain with Pearson and had not been paid. On January 19, 2017, Nelson filed report number T17-00410 with the Texarkana (Texas) Police Department alleging theft of the three checks sent to Pearson from opposing counsel. The copy of the report has suspect information redacted, but Nelson provided a statement and informed the Texarkana Police that the three checks were left with Pearson. On February 14, 2017, Pearson/Pearson's office paid \$849.28 to one provider. That same day, a Visa payment was made in the amount of \$690.00 to a second provider. On February 28, 2017, Pearson/Pearson's office paid \$150.72 to a provider.

OPC wrote to Pearson, and Pearson responded with some information. On August 15, 2017, OPC wrote to Pearson requesting additional information regarding the payments made relating to two dental bills connected to Nelson's children. OPC's letter contained specific questions for Pearson to answer including what amount Pearson received, where the funds had been deposited, and why the payments were not made until two months following Pearson's termination as Nelson's attorney. OPC sent the letter by regular mail and by fax requesting a response from Pearson by August 29, 2017. When a response from Pearson was not received by September 7, 2017, OPC again wrote to Pearson requesting her response to the questions posed

in the August 15 letter. OPC sent the letter by regular mail and by fax requesting that Pearson respond by September 22, 2017. When a response from Pearson was not received by September 27, 2017, OPC again wrote to Pearson requesting her response to the questions posed in the August 15 letter. OPC sent the letter by regular mail, fax, and by email requesting that Pearson respond by October 11, 2017. Pearson did not respond.

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

1. Melynda Gibson Pearson violated Rule 1.3 when, after receiving funds from opposing counsel in April and May 2016 to pay dental expenses for client Lori Nelson and/or Nelson's child, Pearson failed to promptly make payment to the dental providers, as payments were not made until February 2017.

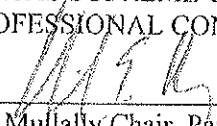
2. Melynda Gibson Pearson violated Rule 1.16(d) when client Lori Nelson terminated Pearson's representation in Miller County DR-2016-94 in December 2016, Pearson did not timely tender funds held in her possession to either Nelson or to the provider as payments were not made until February 14 and 28, 2017.

3. Melynda Gibson Pearson violated Arkansas Rule 8.1(b) when: (a) Pearson failed to respond to request for information made by the Office of Professional Conduct in the form of a letter dated August 15, 2017, which was placed in the U.S. Mail and also sent to her via fax. (b) Pearson failed to respond to request for information made by the Office of Professional Conduct in the form of a letter dated September 7, 2017, which was placed in the U.S. Mail and sent to her via fax. (c) Pearson failed to respond to request for information made by the Office of

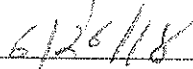
Professional Conduct in the form of a letter dated September 27, 2017, which was placed in the U.S. Mail, sent to her via fax, and emailed.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Melynda Gibson Pearson, Arkansas Bar ID# 95076 be, and hereby is, **CAUTIONED** for her conduct in this matter. In assessing a sanction, the attorney's prior disciplinary record was a factor.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL B

  
\_\_\_\_\_  
Michael Muffally Chair, Panel B

Date: \_\_\_\_\_

  
\_\_\_\_\_