



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: CHARLES DWAIN OLIVER
ARKANSAS BAR ID #2001009
CPC Docket No. 2018-007

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from Charles Dwain Oliver's representation of Mr. Milton Parker in a criminal record expungement matter. Mr. Oliver is an Arkansas licensed attorney practicing primarily in Hampton, Arkansas.

1. Sometime in June 2010, Parker hired Oliver to get prior criminal records expunged and paid him \$800.00 for the representation.
2. After paying the attorney fee, Parker made several unsuccessful attempts at contacting Oliver.
3. Oliver obtained an Order to Seal on September 1, 2011. The order sealed Parker's criminal record from a conviction on May 20, 1992, in Calhoun County, Arkansas.
4. Parker moved to Chicago, Illinois. In 2015, he and his wife desired to adopt a child and completed the necessary paperwork, which included a background check. Parker failed the background check. Parker again unsuccessfully attempted to contact Oliver to inquire as to why his criminal records were not expunged, including making several trips to Arkansas to talk with Oliver.
5. Parker states that Oliver was hired to expunge all of his criminal records, and that even though Oliver managed to seal one of his criminal records out of Calhoun County, he still failed to include his other criminal records out of Calhoun and Union Counties.
6. After unsuccessfully attempting to contact Oliver, Parker filed a grievance with the Office of Professional Conduct (OPC) in mid-2015.

7. Since 2015, OPC has made several unsuccessful attempts, by written communication and telephone calls, at getting Oliver to respond in writing to the allegations made against him in Parker's grievance. Although Oliver made written contact to request additional time, no written response to the allegations has ever been received from Oliver to the OPC requests.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Oliver's conduct violated Rule 1.1 when he failed to take any action or file the appropriate pleadings on behalf of his client, Milton Parker. Arkansas Rule 1.1 states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.
2. That Mr. Oliver's conduct violated Rule 1.3 when he failed to timely take any action or filed the appropriate pleadings on behalf of his client in the years since he was hired in 2010. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.
3. That Mr. Oliver's conduct violated Rule 1.4(a)(3) when he failed to communicate with his client, Mr. Parker, regarding the status of his case. Arkansas Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.
4. That Mr. Oliver's conduct violated Rule 1.4(a)(4) when he failed to respond to his client Mr. Parker's several attempts at contacting him regarding the status of his legal matter. Arkansas Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.
5. That Mr. Oliver's conduct violated Rule 8.1 when he failed to respond in writing to the Office of Professional Conduct's many attempts at getting him to respond to Mr. Parker's grievance against him. Arkansas Rule 8.1 states that a lawyer in connection with a disciplinary matter, shall not

knowingly fail to respond to a lawful demand for information from a disciplinary authority.

6. That Mr. Oliver's conduct violated Rule 8.4(c) when he took a fee of \$800.00 from his client, Mr. Parker, in 2010, and failed to take any action or file any pleadings on his client's behalf. Arkansas Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

7. That Mr. Oliver was served with the Formal Complaint and Summons in this matter on February 5, 2018. He failed to file a response and pursuant to §9.C(1) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, all allegations as are deemed admitted, and Mr. Oliver has waived any right to a panel hearing in this matter.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **CHARLES DWAIN OLIVER**, Arkansas Bar ID #2001009, be, and hereby is, **SUSPENDED FOR A PERIOD OF SIXTY (60) MONTHS** for his conduct in this matter. In assessing this sanction, Mr. Oliver's prior disciplinary record was a factor. Charles Dwain Oliver shall pay restitution in the amount of **EIGHT HUNDRED DOLLARS (\$800.00)** in accordance with Section 18.C of the Procedures. Mr. Oliver shall also pay costs in the amount of **FIFTY DOLLARS (\$50.00)** in accordance with Section 18.A of the Procedures. In addition, §9.C(1) of the Procedures provide that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a suspension of license. The Panel imposes a separate sanction of **REPRIMAND** for Oliver's failure to respond to the formal complaint. The restitution and costs assessed herein totaling **EIGHT HUNDRED FIFTY (\$850.00) DOLLARS** 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 B

Michael E. Mullally, Chair, Panel B

Date: July 27, 2011