



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: CHARLES DWAIN OLIVER
ARKANSAS BAR ID #2001009
CPC Docket No. 2018-008

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. Larry Romine, Sr's son, Blake Romine, in a criminal record expungement matter. Mr. Oliver is an Arkansas licensed attorney practicing primarily in Hampton, Arkansas.

1. On August 25, 2015, Romine hired Oliver to get his son's prior criminal record expunged.
2. Romine paid Oliver \$350.00 for the representation.
3. Oliver did not take any action or file any pleadings on behalf of Romine's son.
4. Oliver did not provide Romine or his son with a refund of the \$350.00 paid to him.
5. Romine filed a grievance with the Office of Professional Conduct (OPC) on June 12, 2017.
6. OPC has made several unsuccessful attempts, by written communication and telephone calls to Oliver, to get Oliver to respond in writing to the allegations made against him in Romine's grievance. No written response 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, Blake Romine. 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 2015. 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 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. Romme'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.

4. That Mr. Oliver's conduct violated Rule 8.4(c) when he took a fee of \$350.00 from his Mr. Romme to represent his son Blake, in 2015, 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.

5. 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 **THREE HUNDRED FIFTY DOLLARS (\$350.00)** in accordance with Section 18.C of the

Proceedures. Mr. Oliver shall also pay costs in the amount of FIFTY DOLLARS (\$50.00) in accordance with Section 18.A of the Proceedures. In addition, §9.C(1) of the Proceedures 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 FOUR HUNDRED (\$400.00) 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. Muhlally, Chair, Panel B

Date: 11/16/2017