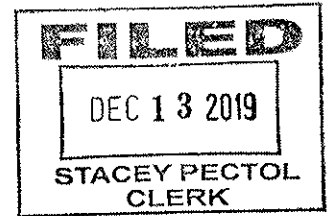


BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B



IN RE:           RHONDA MCCAULEY  
                  Arkansas Bar ID #2000024  
                  CPC Docket No. 2019-020

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct against Rhonda McCauley upon which this Findings and Order is based arose from a grievance filed by Douglas Hall and Amilcar Cornejo. McCauley is an attorney practicing primarily in Fort Smith and Rogers, Arkansas. Ms. McCauley, through her attorney Sam “Chip” Sexton, entered in to discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

Amilcar Cornejo and Douglas Hall sought legal counsel to represent Cornejo in immigration matters. In January 2015, Cornejo had an initial consultation with McCauley. Cornejo paid McCauley \$175. In June 2015, Cornejo signed a representation for McCauley to represent him and paid McCauley \$3,720. The basis of Cornejo’s application would be his planned marriage to Hall, and on August 7, 2015, Cornejo and Hall married.

In early October, Cornejo and Hall had difficulty getting in touch with McCauley as their calls were not returned. They scheduled a meeting with McCauley, but her office was closed at the appointment time. They did meet in November 2015, but Hall and Cornejo terminated McCauley. They requested McCauley issue a refund of fees and stated in part “[i]f you fail to respond and refund the fees paid we will have no other option than to pursue the legal and ethical avenues available to us...”

Hall and Cornejo hired a new attorney, Natalie King to represent Cornejo in immigration matters. Hall and Cornejo retained attorney Whitfield Hyman to represent them in a civil case against McCauley. On June 24, 2016, Hyman filed suit against McCauley in Sebastian County CV-2016-597 alleging breach of contract, malpractice, and fraud.

Hyman served McCauley with interrogatories and received no response. Hyman sought to strike McCauley's answer and hold her in contempt related to discovery. The judge entered an order granting Hyman's motion. The order stated in part: McCauley's Answer stricken resulting in a default judgment for Hall and Cornejo; McCauley to pay \$165 filing fee, \$3,100 attorney's fees, treble damages totaling \$11,160. McCauley filed a Motion to Set Aside Judgment. The judge entered an Order and Modified Judgment. The order modified the amount of money owed by McCauley to Hall and Cornejo by eliminating the treble damages. On January 23, 2019, the Arkansas Court of Appeals issued an opinion dismissing McCauley's appeal.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Rhonda McCauley violated Arkansas Rule 1.4(a) when McCauley failed to effectively communicate with client Amilcar Cornejo regarding his immigration matter. Arkansas Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.


2. Rhonda McCauley violated Arkansas Rule 1.16(d) when after termination by her client, Amilcar Cornejo, Rhonda McCauley failed to refund advanced payment of fees that were not earned. Arkansas Rule 1.16(d) requires that upon termination of representation, an attorney

shall take steps to the extent reasonably practicable to protect the 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 advanced payment of fee that has not been earned.

3. Rhonda McCauley violated Arkansas Rule 8.4(d) when (1) McCauley's lack of action resulted in Amilcar Cornejo retaining new counsel to complete his immigration case; and (2) McCauley's lack of communication resulted in her former clients, Douglas Hall and Amilcar Cornejo, retaining new counsel and taking legal action against her. Arkansas Rule 8.4(d) requires that a lawyer shall not 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 Rhonda McCauley, Arkansas Bar ID# 2000024 be, and hereby is, **REPRIMANDED**, ordered to pay Restitution in the amount of \$3,720.00 to Douglas Hall and Amilcar Cornejo, and assessed Costs in the amount of \$250.00. The restitution has been paid in full to the Clerk of the Arkansas Supreme Court for distribution. 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 B

  
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Stephen Crane, Chair, Panel B

Date: 12-13-19