



BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE:       **JEFFREY M. GRAHAM**, Respondent  
              Arkansas Bar No. 81075  
              Docket No. CPC-2020-022

**CONSENT FINDINGS & ORDER**

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Jeffrey M. Graham of Little Rock, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by a former employee of Graham's law firm.

1. Graham has been licensed to practice law in Arkansas since 1981. Graham is a solo practitioner in Little Rock, practicing as Jeffrey M. Graham, P.A., of which he is the sole owner. Graham's law practice is concentrated in plaintiff's personal injury cases, primarily from motor vehicle accidents.
2. Since at least April 2015, Graham has had an "IOLTA" client trust account (hereafter "IOLTA account") No. xxxx153 at OneBanc in Little Rock for the use of Graham's law practice. Checks printed for and issued on No. xxxx153 are preprinted ""Jeffrey M. Graham, P.A. Trustee Account."
3. Since at least January 1, 2016, Graham has had and used an office account (hereafter "office account") at OneBanc, No. xxxx145, in the name of "Jeffrey M. Graham, P.A." Checks printed for and issued on his office account No. xxxx145 are preprinted "Jeffrey M. Graham, P.A., Attorney at Law."
4. A review by the Office of Professional Conduct ("OPC") of the bank records and client settlement sheets available to OPC at the time the Complaint was prepared

shows on at least twenty-five (25) occasions between March 2016 and January 2018, Graham issued checks from his firm's IOLTA client trust account payable to his law office as reimbursement for "advances" made from his office account to his clients in advance of any settlements or recoveries later obtained by Graham for those clients. The advances range from \$200.00 to \$9,000.00. The total of these 25 advances to clients in just under a two year period total \$56,715.00 according to Mr. Graham.

5. Graham "advanced" funds to his 25 clients in violation of Arkansas Rule 1.8(e).
6. The advance payments to Graham clients, for which reimbursement to the Graham law firm was later made, were issued by means of checks drawn on the Graham office account at OneBanc, No. xxxx145.
7. In his response, Graham states claims that his law firm will have to pay income tax on any portion of the \$56,715 that he has not been repaid by clients.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2012). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of Jeffrey Graham violated Rule 1.8(e), in that:

9. As shown by his file records and office account check(s) Graham advanced funds totaling \$725.00 to his client Christie Poe, repaying himself for this advance on August 5, 2016, by check #4974. (Ex. 10)

10. As shown by his file records and office account check(s) Graham advanced funds totaling \$350.00 to his client Bryson Grays, repaying himself for this advance on August 10, 2016, by check #4992, in a matter where Graham filed suit for Grays on November 4, 2015, and the case is shown as dismissed in November 2018 after a settlement. (Ex. 11)

14. As shown by his file records and office account check Graham advanced funds totaling \$250.00 to his client Melvin Burnett. (Ex. 15)

16. As shown by his file records and office account check(s) Graham advanced funds totaling \$200.00 to his client Toni Dickerson, repaying himself for this advance on October 24, 2016 by check #5129. (Ex. 17)

17. As shown by his file records and office account check(s) Graham advanced funds totaling \$6,700.00 to his client Damon Shayne Coulter, repaying himself for these advances on October 25, 2016, by check #5132. (Ex. 18)

19. As shown by his file records and office account check(s) Graham advanced funds totaling \$270.00 to his client Christopher Brewer, repaying himself for this advance on December 28, 2016, by check #5243. (Ex. 20)

23. As shown by his file records and office account check(s) Graham advanced funds totaling \$2,000.00 to his client Ashley Haggard, repaying himself for these advances on March 6, 2017, by check #5399. (Ex. 24)

24. As shown by his file records and office account check Graham advanced funds totaling \$400.00 to his client Erica Stewart, repaying himself for this advance on March 9, 2017, by check #5414. (Ex. 25)

25. As shown by his file records and office account check(s) Graham advanced funds totaling \$4,450.00 to his client Carolyn James on at least September 28, and December 3, 2016, repaying himself for these advances on March 13, 2017, by check #5421, in a case filed December 2, 2015 and dismissed April 12, 2017. (Ex. 26)

27. As shown by his file records and office account check(s) Graham advanced funds totaling \$5,000.00 to his client David Lindsey/Lindsay on October 25, December 21 and 23, 2016, February 6 and March 9, 2017, repaying himself for these advances on March 31, 2017, by check #5460. (Ex. 28)

28. As shown by his file records and office account check(s) Graham advanced funds totaling \$6,750.00 to his client Jane Neal Ringgold on December 22, 2016 and February 21, 2017, repaying himself for these advances on April 17, 2017, by check #5481, on a case filed November 16, 2016, and settled and dismissed on April 20, 2017. (Ex. 29)

32. As shown by his file records and office account checks, Graham advanced funds totaling \$5,135.00 to his client Carla White on June 15, 2016 and June 5, 2017, repaying himself for these advances on June 13, 2017, by check #5591. (Ex. 33)

35. As shown by his file records and office account check Graham advanced funds totaling \$700.00 to his client Bryan O'Neal on March 30, 2017, repaying himself for this advance on November 1, 2017, by check #5820. (Ex. 36)

37. As shown by his file records and office account checks Graham advanced funds totaling \$6,005.54 to his clients Jennifer Miller and Michael Miller, Jr on May 24, July 12, October 3, December 5, 2016, January 5, January 16, February 7 and 27, March 3, 10 and 31, April 18, May 5 and 26, July 5, 13, and 25, October 10, November 10,

2017, and January 12, 2018, repaying himself for these advances on February 13, 2018, by check #5953, in a matter settled on or about January 19, 2018. (Ex. 38)

38. As shown by his office account checks Graham advanced funds totaling at least \$9,000.00 to his client Steve Burse on June 23, August 4 and 26, September 20, October 19, November 18, December 20, 2016, January 16, and July 11, 2017, in a matter where Graham did not file suit for Burse until July 5, 2017 and an Order granting Graham's Motion for Nonsuit was filed on July 31, 2017. (Ex. 39)

39. As shown by his office account check, Graham advanced \$200.00 to his client Monikka Plummer by check #6190 dated March 28, 2016. (Ex. 40)

40. As shown by his office account checks, Graham advanced funds totaling \$2,700.00 to his client Leandra Scott on April 13 and 14, 2016, July 20, October 5, and November 27, 2017. (Ex. 41)

41. As shown by his office account check, Graham advanced funds totaling \$750.00 to his client Lindsay Harris, by check #6590 on July 22, 2016, in a matter where Graham did not file suit for Harris until January 11, 2018 and the case was ordered dismissed on July 29, 2019. (Ex. 42)

42. As shown by his office account check, Graham advanced funds totaling \$500.00 to his client Christian Handy, on September 9, 2016 by check #6787. (Ex. 43)

43. As shown by his office account check, Graham advanced funds totaling \$350.00 to his client Alexis Fisher, from October 2016 to September 2017, in a matter where Graham did not file suit for Fisher until August 1, 2017, and the case settled around December 5, 2019. (Ex. 44)

44. As shown by his office account check Graham advanced funds totaling \$3,000.00 to his client Allison Rowe, on December 29, 2016, by check #7157. (Ex. 45)

45. As shown by office account checks, Graham advanced funds totaling \$330.00 to his client David Presley on July 12 and September 21, 2017, in a matter where Graham did not file suit for Presley until October 27, 2018, a case that was settled and dismissed on March 11, 2019. (Ex. 46)

47. As shown by his office account check, Graham advanced \$700.00 to his client Ramona Howell on August 8, 2017, by check #7929, in a case filed July 14, 2015, and settled and dismissed by Order filed October 18, 2018. (Ex. 48)

48. As shown by his office account checks, Graham advanced \$850.00 to his client April Luedtke, on November 2 and 7, 2017, by checks #8171 and 8181. (Ex. 49)

50. As shown by his office account check Graham advanced \$250.00 to his client Haley Bailey on January 31, 2018, by check #8473. (Ex. 51)

Arkansas Rule 1.8(e) requires that a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

C. The conduct of Jeffrey Graham violated Rule 1.15(b)(3) in that:

1. On June 19, 2017, Graham deposited \$8,000.00 by check #7748 from his office account into his IOLTA account, an impermissible deposit of more than \$500.00 of his personal or law firm funds into his IOLTA client trust account. (Ex. 52)

2. On November 17, 2017, Graham deposited \$5,000.00 by check #8228 from his office account into his IOLTA account, an impermissible deposit of more than \$500.00 of his personal or law firm funds into his IOLTA client trust account. (Ex. 53)

3. On January 31, 2018, Graham deposited \$3,250.00 by check #8474 from his office account into his IOLTA account, an impermissible deposit of more than \$500.00 of his personal or law firm funds into his IOLTA client trust account. (Ex. 54)

Arkansas Rule 1.15(b)(3) requires that a lawyer may deposit funds belonging to the lawyer or the law firm in a client trust account for the sole purposes of paying bank services charges on that account, or to comply with the minimum balance required for the waiver of bank charges, but only in the amount necessary for those purposes, but not to exceed \$500.00 in any case. Such funds belonging to the lawyer or law firm shall be clearly identified as such in the account records.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Graham and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **JEFFREY M. GRAHAM**, Arkansas Bar No. 81075, be, and hereby is, **REPRIMANDED** for his conduct in this matter, and ordered to pay \$50.00 case costs. 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 Mark L Martin  
Mark L. Martin, Chairperson

Date 1.15.21