

**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**



IN RE: Tamra Barrett, Respondent
Arkansas Bar No. 95121
Docket No. CPC-2022-011

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Circuit Judge Marcia Hearnberger on May 2, 2022. The information related to the representation of Stacy White by Respondent in Garland County Circuit Court Case No. 26CV-20-928.

On June 2, 2022, Respondent was served with a formal complaint, supported by affidavit from Shawn Key, opposing counsel in the above-referenced matter. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

1. On August 11, 2020, Plaintiff, Shelter Insurance, through its attorney, Shawn Key, filed a lawsuit against Defendant, Stacy White, in Garland County Circuit Court.

2. On September 11, 2020, Respondent Attorney filed via E-Flex an Entry of Appearance and Answer on behalf of the Defendant. E-Flex is an electronic filing system utilized by Arkansas Courts which, among other functions, provides attorneys notice of all pleadings filed in a particular matter.

3. On September 15, 2020, Key filed Request for Admissions and Interrogatories to be answered under oath by the Defendant within thirty (30) days.

4. Respondent Attorney untimely filed a Response to Request for Admissions on October 28, 2020.

5. On October 30, 2020, Key filed a Motion to Strike Defendant's Untimely Responses to the Plaintiff's Requests.

6. On November 17, 2020, Respondent Attorney filed a Response to Motion to Strike.

7. In her Response, Respondent Attorney merely admitted or denied the allegations contained in the Motion to Strike and offered no explanation for her untimely response.

8. On October 30, 2020, Key filed a Motion for Summary Judgment. Key argued that the Request for Admissions should be deemed admitted for her failure to file timely responses.

9. On November 20, 2020, Respondent Attorney filed Response to Motion for Summary Judgment. Again, Respondent offered no explanation for her failure to timely file Response to Request for Admissions. Further, Respondent Attorney did not move to be relieved as counsel for the Defendant at any time.

10. After Judge Hearnberger's Trial Court Assistant, Allison Dodge, sent a scheduling email to both Respondent Attorney and Key, the matter was set for hearing on April 20, 2022. Notice of the hearing was filed via E-Flex.

11. Respondent Attorney never contacted the Court or Key regarding the hearing. Respondent Attorney did not appear at the hearing.

12. An Order was entered by the Court on April 21, 2020. The Court made specific findings as it pertained to Respondent Attorney's failure to file timely Responses.

13. Key read and attested that the record of the proceedings was accurate and occurred without irregularity.

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

A. The conduct of Tamra Barrett, as set forth in the attached Exhibits, violated **Rule 1.1 Competence** to wit: Rule 1.1 requires [a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Barrett lacked thoroughness and preparation in her representation of White in that she filed untimely responses without so much as offering the Court an explanation.

B. The conduct of Tamra Barrett as set forth herein violated **Rule 1.3 Diligence** to wit: A lawyer shall act with reasonable diligence and promptness in representing a client.

For the reasons set out above, Barrett failed to act with diligence during the representation of her client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **TAMRA BARRETT**, Arkansas Bar Number 95121, be, and hereby is, **REPRIMANDED** for her conduct in this matter. Barrett is assessed a **FINE** of One Thousand Dollars and No Cents (**\$1,000.00**) in accordance with Section 18.B of the Procedures and assessed **COSTS** of One Hundred Dollars and No Cents (**\$150.00**) in accordance with Section 18.A of the Procedures.

In addition, Section 9.C(1) of the Procedures provides 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 Barrett's failure to respond to the formal complaint.

The fine and costs assessed herein, totaling One Thousand One Hundred Fifty Dollars and No Cents (**\$1,150.00**), 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



David P. Glover, Chair, Panel B



Date