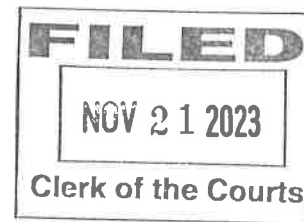


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

**IN RE: TRAVIS WAYNE STORY
ARKANSAS BAR ID #2008274
CPC Docket No. 2023-014**



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from a grievance filed by Tracy Harris-Brashears. Travis Wayne Story, of Fayetteville, Arkansas is an attorney licensed to practice law in the State of Arkansas and assigned Bar Number 2008274.

1. Harris-Brashears hired Story on March 29, 2022, to file a divorce action on her behalf. She paid him \$3,500.00 for his representation.
2. On April 22, 2022, Story filed the Complaint for Divorce, and the husband was served with Summons and Complaint on April 23, 2022.
3. Harris-Brashears heard nothing from Story since approximately June 2022. She attempted unsuccessfully to contact Story by phone calls, office visits, and email.
4. On October 31, 2022, Harris-Brashears terminated Story as her attorney through email, and certified letter. Story did not pick up the certified letter and it was returned by the Post Office to Harris-Brashears. He did not respond to the email.
5. In emails to Story sent on December 12, 2022, December 19, 2022, and January 18, 2023, Harris-Brashears again asked Story to respond to her and to refund any unearned fees owed to her.
6. Story failed to respond to the emails or issue a refund of any unearned fees.
7. Story took no action in the divorce case since service of the Summons and Complaint.

8. On September 14, 2022, the court dismissed the divorce action without prejudice, on its own initiative, for failure to prosecute. The court noted in the order that it had notified Story of the court's intent to dismiss. Story failed to take any action to keep the case from being dismissed nor did he notify his client that the divorce action had been dismissed.

9. On October 27, 2022, Story filed a Motion to Re-Open. The court entered its Order to Re-Open on October 28, 2022, and ordered Story to submit to the court an Affidavit of Plaintiff, an Affidavit of Witness, a Child Support Worksheet, a proposed Divorce Decree, and a disposition sheet within ten (10) calendar days from the filing of the order. Story failed to submit the required documentation as ordered.

10. No action has been taken in the divorce case since the October 28 Order to Re-Open.

11. Harris-Brashears had no contact with Story and said she could not hire another attorney as she has no money to do so after paying Story \$3,500.00.

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 Story's conduct violated Rule 1.1 when he (a) filed the Complaint for Divorce and perfected service but failed to take action to finalize the divorce resulting in the court dismissing the divorce action for failure to prosecute, and (b) after filing the Motion to Re-open and the court granting the motion, he failed to submit the required documents ordered by the court to obtain his client's divorce. Arkansas Rule 1.1 states 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 Story's conduct violated Rule 1.3 when he failed to take diligent action on the matter for which his client hired him. Story (a) filed a Complaint for Divorce which he took no action after service of summons, which resulted in a dismissal by the court for failure to prosecute, and (b) after filing his Motion to Re-Open, with the court granting the motion, Story failed to submit the required documents as ordered by the court to obtain his client's divorce. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Story's conduct violated Rule 1.4(a)(3) when he failed to advise his client that the court had dismissed her divorce case on September 14, 2022. Story has had no communication with his client since approximately June 2022. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

4. That Story's conduct violated Rule 1.4(a)(4) when he failed to respond to his client's several attempts to contact him to discuss the status of her case. Harris-Brashears has had no contact with Story since approximately June 2022. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

5. That Story's conduct violated Rule 1.16(d) when he constructively terminated his representation of Harris-Brashears when he failed to submit the required documents to finalize the divorce as directed by the court, failed to maintain contact with her after June 2022 despite being paid a total of \$3,500.00 attorney's fee, and failed to return any/and or all of the \$3,500.00 attorney fee paid to him for his representation. Arkansas Rule 1.16(d) states upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a 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 advance payment of fee or expense that has not been earned or incurred...

6. That Story's conduct violated Rule 3.2 when he filed the Complaint for Divorce, and after dismissal of the Complaint for Divorce, filed the Motion to Re-Open but failed to submit the required documents to finalize the divorce as directed by the court. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

7. That Story's conduct violated Rule 8.4(d) when he (a) filed the Complaint for Divorce, got the husband served and failed to prosecute the divorce resulting in the court dismissing the case, and (b) when he filed the Motion to Re-Open and after the court granted the motion, he failed to submit the required documents as ordered by the court to obtain his client's divorce, resulting in the court having to expand time on the matter it should not have had to. Arkansas Rule 8.4(d) states it is professional misconduct for a lawyer to 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 B, that **TRAVIS WAYNE STORY** Arkansas Bar ID #2008274, be, and hereby is, **Cautioned** for his conduct in this matter. This sanction was based, in part, on the attorney's lack of any prior disciplinary record. Story shall pay a fine in the amount of ONE THOUSAND DOLLARS (\$1,000.00) in accordance with Section 18.B of the Procedures. Story shall pay restitution in the amount of THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) in accordance with Section 18.C of the Procedures. Story shall pay costs in the amount of ONE HUNDRED FIFTY DOLLARS (\$150.00) in accordance with Section 18.A of the Procedures. The fine, restitution and cost

assessed herein totaling FOUR THOUSAND SIX HUNDRED FIFTY DOLLARS (\$4,650.00) 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 D



LeAnne P. Burch, Vice-Chair, Panel B

Date: 30 October 2023