

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: WOODSON D. WALKER

Arkansas Bar ID # 76135

CPC Docket No. 2005-083

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by attorney Luther O. Sutter and Reeshema Britt on April 27, 2005. The information related to the representation of Ms. Britt in 2002-2003 by Respondent Woodson D. Walker, an attorney formerly practicing, until suspended in April 2003, primarily in Little Rock, Pulaski County. On June 29, 2005, Respondent was served with a formal complaint, supported by affidavits from attorney Luther O. Sutter, Reeshema Britt, Diane Campbell, and Denise Parks. Respondent filed a response to the complaint. After a ballot vote, Respondent timely requested a public hearing, which was conducted December 9, 2005, with Searcy Harrell, Jr., and Sue Winter from the Committee reserve panels substituting in place of regular Panel B members H. T. Moore and Dr. Rose M. Word, respectively, who were not available for the hearing. Stark Ligon represented the Office of Professional Conduct. Jeff Rosenzweig represented Mr. Walker.

The proof demonstrated Reeshema Britt of Little Rock was injured in a motor vehicle collision on February 8, 2001, in which a driver insured by State Farm Insurance was clearly at fault. Ms. Britt became Mr. Walker's client for this matter during August 2002. Walker's law license was suspended in another matter effective April 21, 2003, for one year, but Mr. Walker has not sought reinstatement. By June 11, 2003, Walker had received a settlement offer of \$5,500, which was declined by Ms. Britt, as shown by Walker's letter to her of that date, written by Walker on the letterhead of Larry Dunklin, his former partner or associate attorney in the firm of Walker & Dunklin. Ms. Britt thereafter had substantial difficulty obtaining information from Walker or Dunklin about her matter. In April 2004 she learned no lawsuit had been filed in her claim, which was after the three year statute of limitation for such claims. She consulted with attorney Luther Sutter. She

then was able to meet with Walker in May 2004. He told her he would try to get the \$5,500 offer reinstated and her medical bills taken care of in some fashion, with him to receive the same one-third fee of the recovery. She declined and hired Mr. Sutter to pursue relief. In August 2004 Mr. Sutter filed suit in Pulaski Circuit Court for legal malpractice against Walker and Dunklin in the Britt matter. On April 14, 2005, default judgment for \$75,000 was awarded against Walker and Dunklin in favor of Ms. Britt on her legal malpractice claim in this matter. There was no appeal of the judgment and no payment on this judgment has been received.

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

A. Mr. Walker's conduct violated Model Rule 1.4(a) in that he failed to keep Ms. Britt timely and properly informed of the status of her claim she had entrusted to him, even though she made repeated attempts to obtain such information. Model 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.

B. Mr. Walker's conduct violated Model Rule 1.4(b) in that he failed to advise his client Reeshema Britt before February 8, 2004, that circumstances and situations not involving her might cause a failure by him or his firm to pursue her claim either to settlement or suit, thereby denying the client the opportunity to consider employing other counsel to represent the client in the claim and possibly receive the relief Ms. Britt sought. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

C. Mr. Walker's conduct violated Model Rule 5.5(a) in that his Arkansas law license was suspended for one year effective April 21, 2003, and has not been reinstated. By his conduct after that date with Ms. Britt and her matter, he practiced law in Arkansas at times when his privilege to do so has been suspended. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

D. Mr. Walker's conduct violated Model Rule 8.4(c) in that his letter of June 11, 2003, to his client Ms. Britt stated that her matter would be handled thereafter in accordance with her wishes, which were that her claim be settled or suit be timely filed. No action was apparently taken by either Mr. Dunklin or Mr. Walker thereafter, conduct involving dishonesty, fraud, deceit, or misrepresentation toward Ms. Britt. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

E. Mr. Walker's conduct violated Model Rule 8.4(d) in that his failure to timely and properly handle Ms. Britt's claim, or see that it was so handled by another attorney, or see that she was timely advised that Walker was not going to properly and timely handle her claim so she could make other arrangements, resulted in her losing the right to have her claim settled or resolved by suit. His failure to timely and properly handle Ms. Britt's claim, or see that it was so handled by another attorney, or see that she was timely advised that Walker was not going to properly and timely handle her claim so she could make other arrangements, resulted in Ms. Britt having to file and pursue to trial a legal malpractice action against Walker, an unnecessary use of court time and resources. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

Having considered the Respondent's prior disciplinary history, and the record in this case, the Panel finds that the conduct here constitutes 'serious misconduct' as defined in the Court's Procedures and that a suspension is merited.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Woodson D. Walker, Arkansas Bar ID# 76135, be, and his Arkansas law license and privilege to practice law hereby are, suspended for three (3) years for his conduct in this matter, and he is assessed Committee costs of \$175.00, which includes the court reporter's \$125.00 hearing appearance fee. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. 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

with 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

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____