

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: STEVEN R. JACKSON, RESPONDENT

ARKANSAS BAR ID NO. 97142

CPC DOCKET NO. 2004-183

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Kenneth D. Millican. The information related to the representation of Mr. Millican by Respondent from 2000 through 2003.

Kenneth D. Millican is a self-employed, long-haul truck driver who contracted with Rockwell Transportation, Inc. ("Rockwell") of Siloam Springs, Arkansas to haul goods. In 2000, Mr. Millican began experiencing problems with Rockwell failing to make payments in a timely manner. Mr. Millican met with Steven R. Jackson, Attorney at Law, Fayetteville, Arkansas, to discuss the matter. Mr. Millican employed Mr. Jackson to represent him in the matter. Mr. Jackson stated that the suit would be brought before a judge within the next year. Mr. Jackson confirms that he was employed and should have immediately filed suit on Mr. Millican's behalf. Mr. Jackson did not, however, do so.

Mr. Millican stated that he placed numerous calls to Mr. Jackson's office to inquire about the status of his lawsuit. According to Mr. Millican, he was almost always told that Mr. Jackson was unavailable. Despite leaving messages with his home and cell phone numbers, Mr. Millican only received one telephone message, to call Mr. Jackson's number. When Mr. Millican returned the call, he was advised, again, that Mr. Jackson was unavailable. Mr. Jackson denied Mr. Millican's allegations about the telephone calls.

Mr. Jackson stated that he represented another client in a lawsuit against Rockwell. When that matter was scheduled for trial, he was informed that Rockwell had filed for bankruptcy. As the automatic stay provision was in effect, he was unable to file suit on behalf of Mr. Millican.

Mr. Millican sent a letter to Mr. Jackson in June 2003 asking about the status of his case. Mr. Jackson responded with a letter wherein he stated that there were two reasons that Mr. Millican had not heard from him. First, Mr. Jackson did not have a current address for Mr. Millican. Mr. Jackson stated that he mailed a letter to Mr. Millican but it was returned to his office as undeliverable. Second, Mr. Jackson stated that Rockwell was still in bankruptcy proceedings but that he would provide him with any additional information. Mr. Jackson admitted that he failed to provide the information.

At no point in time was a claim filed with the bankruptcy court on behalf of Kenneth Millican. Rockwell proceeded through bankruptcy court proceedings and obtained discharge on June 20, 2002.

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 finds:

1. Steven R. Jackson violated Model Rule 1.3 when, after being employed to represent Kenneth D. Millican, he failed to file an action on his client's behalf in a timely manner. Model Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client.

2. Steven R. Jackson violated Model Rule 1.4(a) when, despite numerous requests from his client about the status of his case, he failed to keep his client, Kenneth D. Millican, informed about the status of his legal matter. Model Rule 1.4(a) requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

3. Steven R. Jackson violated Model Rule 8.4(d) when, his failure to act on behalf of his client, Kenneth D. Millican, resulted in any legal remedy available to Millican being barred. Model Rule 8.4(d) states that 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 Respondent STEVEN R. JACKSON, Arkansas Bar ID# 97142, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, Mr. Jackson is fined the sum of FIVE HUNDRED DOLLARS (\$500.00); costs in the amount of FIFTY DOLLARS (\$50.00); and

ordered to pay restitution in the amount of FIVE HUNDRED DOLLARS (\$500.00). The fine, costs, and restitution 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

By: _____

J. Michael Cogbill
Chairman, Panel B

Date: _____