

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED

IN RE: STEVEN R. JACKSON
ARKANSAS BAR No. 97142
CPC Docket No. 2010-096

OCT 21 2011

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided by the Arkansas Supreme Court in a grievance filed by Norman and Barbara Booth of Bella Vista, Arkansas. The conduct related to the representation of the Booths in a civil matter involving real property located in Carroll County, Arkansas.

Steven R. Jackson, is an attorney licensed to practice law in the State of Arkansas and at the time of his employment by Norman and Barbara Booth was a partner in the firm of Adams, Brady & Jackson, PLLC.

Norman and Barbara Booth entered into a contract for the sale of property to Eagle Creek Properties, LLC. Closing was extended several times but a final closing date was set for March 24, 2006. Eagle Creek Properties failed to close on or before March 24, 2006. The Booths then employed Steven R. Jackson in 2006 to represent them in their legal matter. The contract for employment was in the form of a contingency fee agreement.

On April 12, 2006, Steven R. Jackson filed suit on behalf of his clients, Norman and Barbara Booth. The case was filed in Carroll County Circuit Court and styled as *Norm Booth and Barbara Booth v. Eagle Creek Properties, LLC*, Carroll County Circuit Court Case No. CV-2006-43.

During the course of the lawsuit, Eagle Creek's attorney propounded Interrogatories and

Requests for Production of Documents to the Booths, through their attorney, Mr. Jackson, on January 11, 2008. The Booths were provided a copy of the Interrogatories and Requests for Production of Documents and provided Steven R. Jackson with their answers to the requests.

On March 25, 2008, a Motion to Compel and Motion to Continue was filed by the attorney for Eagle Creek. In the motion, Eagle Creek's attorney stated that he had propounded Interrogatories and Requests for Production of Documents to the Booths, that more than thirty (30) days had passed since the requests were served upon the Booths' attorney, and no responses had been received.

On April 8, 2008, a pre-trial hearing was held in Carroll County Circuit Court. Mr. Jackson participated in the pre-trial hearing by telephone and, following the hearing, the Carroll County Circuit Court Judge entered an Order directing the Booths to respond to the discovery request on or before April 18, 2008. No response to the discovery request was provided to Eagle Creek Properties on or before April 18, 2008.

On June 12, 2008, Eagle Creek filed a Motion to Dismiss. In the motion, Eagle Creek stated that the Booths were ordered to provide discovery on or before April 18, 2008, that no discovery response was received, and that the Court should either dismiss the lawsuit without prejudice or set the matter for trial. Mr. Jackson filed a Notice of Voluntary Non-Suit on June 30, 2008, and the Carroll County Circuit Court granted the voluntary non-suit dismissing, without prejudice, the Booth's lawsuit against Eagle Creek.

Arkansas Code Annotated §16-56-126 provides that a new action may be commenced within one year after the entry of an Order for Nonsuit. The case of *Norm Booth and Barbara Booth v. Eagle Creek Properties, LLC*, was not refiled on or before June 30, 2009.

The Booths contacted Mr. Jackson on numerous occasions to ascertain the status of their lawsuit. No response was received by the Booths from Mr. Jackson. On October 14, 2009, the Booths sent an email to Mr. Jackson at his email address but again no response was received from Mr. Jackson.

Mr. Jackson left the firm of Adams, Brady & Jackson, PLLC, and relocated his practice to Lowell, Arkansas. On October 14, 2009, the Booths contacted Mr. Jackson's former law partner, Lauren Adams, and were advised that the lawsuit had been dismissed without prejudice on July 1, 2008. Prior to the conversation with Ms. Adams, the Booths had not been advised by Mr. Jackson that their lawsuit had been dismissed.

In his response, Mr. Jackson admitted to all allegations contained in the Formal Complaint with the exception of Paragraphs 16 and 19. Paragraph 16 concerned the Booths' contact with Mr. Jackson to ascertain the status of their lawsuit after it had been dismissed in Carroll County Circuit Court. Paragraph 19 concerned the Booths' contact with Lauren Adams, a member of the firm where Mr. Jackson was employed when the Booths employed him. Mr. Jackson attached to his response to the Formal Complaint a letter dated June 9, 2009, which related to a separate matter in which Mr. Jackson represented the Booths.

Upon consideration of the formal complaint and attached exhibit materials, the response to 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. Steven R. Jackson violated Rule 1.3 when he failed, on behalf of his clients, Norman and Barbara Booth, to file timely responses to the Interrogatories and Requests for Production of Documents which were served upon them by the opposing party in the case of *Norm Booth and*

Barbara Booth v. Eagle Creek Properties, LLC, Carroll County Circuit Court Case No. CV-2006-43 and when he failed to respond to the Order of April 15, 2008, directing his clients to respond to discovery requests from the opposing party in their lawsuit. Rule 1.3 requires that a lawyer act with reasonably diligence and promptness in representing a client.

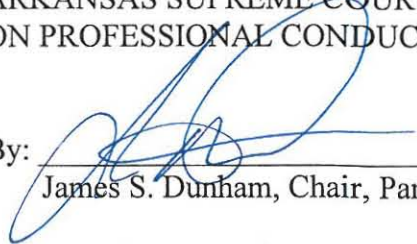
2. Steven R. Jackson violated Rule 1.4(a)(3) when he failed to timely notify his clients, Norman and Barbara Booth, of the filing for a voluntary dismissal of their lawsuit against Eagle Creek Properties; when he failed to respond to the requests of his clients, Norman and Barbara Booth, for information about the status of their lawsuit; when he failed to notify his clients of the June 30, 2008, Order of Voluntary Non-Suit entered in their lawsuit against Eagle Creek Properties; and, when he failed to advise his clients of the effects of an Order of Voluntary Non-Suit entered in their lawsuit against Eagle Creek Properties. Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

3. Steven R. Jackson violated Rule 8.4(d) when his failure to reopen the case of *Norm Booth and Barbara Booth v. Eagle Creek Properties, LLC*, Carroll County Circuit Court Case No. CV-2006-43, within one year following the voluntary dismissal on July 1, 2008, resulted in their claim barred from any further litigation. 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 Steven R. Jackson, Arkansas Bar No. 97042, be, and hereby is, REPRIMANDED, fined the sum of FIVE THOUSAND DOLLARS (\$5,000.00) and assessed costs in the amount of FIFTY DOLLARS (\$50.00) for a total of FIVE THOUSAND AND FIFTY DOLLARS (\$5,050.00) for his conduct in this matter.

The Panel expressly found that the sanction was enhanced pursuant to Section 19.A(12) of the Procedures Regulating Professional Conduct (2011), based upon Mr. Jackson's prior disciplinary record.. All fines and 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 B

By: 

James S. Dunham, Chair, Panel B

Date: August 29, 2011