



Arkansas Supreme Court Committee on Professional Conduct

2019 Annual Report

Office of Professional Conduct

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I. Introduction

Authority: Pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (“Procedures”), the Committee on Professional Conduct (“Committee”) is granted the authority to investigate all complaints alleging violation of the Arkansas Model Rules of Professional Conduct and impose any sanctions permitted and deemed appropriate. During 2002, major revisions to the Procedures adopted by Per Curiam Order of the Arkansas Supreme Court on July 9, 2001, effective on January 1, 2002, were implemented. The Committee again submitted major proposed revisions of the Procedures to the Court on December 15, 2010, which were adopted by the Court in its Per Curiam issued and effective May 26, 2011, found at 2011 Ark. 242.

History: Amendment 28 to the Arkansas Constitution was adopted by the voters in 1938. The amendment placed with the Arkansas Supreme Court the authority to regulate the practice of law in Arkansas and to regulate, and thereby discipline, attorneys. In 1939 the Bar Rules Committee, an entity of the Arkansas Bar Association and the forerunner of the present Committee on Professional Conduct, was established. In 1940 the Canons for Professional Conduct of Lawyers was approved. The Arkansas version of the American Bar Association’s Model Code of Professional Responsibility was first adopted by the Arkansas Supreme Court in 1970. A revised version of the Code became effective July 1, 1976. The Arkansas version of the American Bar Association’s Model Rules of Professional Conduct was adopted by the Arkansas Supreme Court and became effective January 1, 1986. Various revisions have been made to the Arkansas version of the Model Rules since 1986. Comprehensive revisions became effective May 1, 2005, as the Arkansas Rules of Professional Conduct, now found at pages 409-533 of the 2016 Court Rules, Volume 2, of the Arkansas Code. The attorney discipline Procedures implementing these Rules are in the same Volume 2, at pages 357-407. On May 26, 2011, the Supreme Court adopted and made effective significant revisions to the Procedures, in a per curiam found at 2011 Ark. 242

Mission: The purpose of lawyer discipline and disability proceedings is to maintain appropriate standards of professional conduct in order to protect the public and the administration of justice from lawyers who have demonstrated by their conduct that they are unable or are likely to be unable to properly discharge their professional duties. Standard 1.1 of the ABA's 1979 Standards for Lawyer Discipline and Disability Proceedings.

II. Structure

1. COMMITTEE ON PROFESSIONAL CONDUCT

For the year 2019, the Committee continued to operate in the new model of four Panels authorized by the Supreme Court as of January 1, 2002, designated Panels A, B, C, and D (Reserve). Each panel is composed of seven members appointed by the Arkansas Supreme Court. Five members are lawyers, with one lawyer appointed from each Congressional District and one from the State at large. The remaining two positions are filled by persons who are not lawyers and are selected by the Court from the State at large. Panel membership in 2019 was as follows:

Panel A: T. Benton Smith, Jr., Jonesboro, Attorney, First Congressional District
Lisa C. Ballard, North Little Rock, Attorney, Second Congressional District
Mark L. Martin, Fayetteville, Attorney, Third Congressional District
Michael W. Boyd, Magnolia, Attorney, Fourth Congressional District
Danyelle J. Walker, Little Rock, Attorney at Large
Karolyn Jones, North Little Rock, Non-attorney at Large
Tanya R. Owen, Fayetteville, Non-attorney at Large

Panel B: Michael E. Mullally, Jonesboro, Attorney, First Congressional District
David P. Glover, Little Rock, Attorney, Second Congressional District
James S. Dunham, Russellville, Attorney, Third Congressional District
Stephen Crane, Magnolia, Attorney, Fourth Congressional District
Timothy F. Snively, Fayetteville, Attorney, Attorney at Large
Elmer Ritchie, Little Rock, Non-attorney at Large
Carolyn Morris, Danville, Non-attorney at Large

Panel C: Keith L. Chrestman, Jonesboro, Attorney, First Congressional District
James A. Simpson, Jr., Searcy, Attorney, Second Congressional District
Candice A. Settle, Van Buren, Attorney, Third Congressional District
Joseph Hickey, El Dorado, Attorney, Fourth Congressional District
Marshall S. Ney, Rogers, Attorney, At Large
Shelia Brown, Pine Bluff, Non-attorney at Large
Carlton Saffa, Non-attorney at Large

Panel D: (Reserve) Laura E. Partlow, West Memphis, Attorney, First Congressional District
Scott S. Hilburn, Little Rock, Attorney, Second Congressional District
Timothy C. Hutchinson, Fayetteville, Attorney, Third Congressional District
Paul W. Keith, Monticello, Attorney, Fourth Congressional District
E. Kent Hirsch, Springdale, Attorney at Large
Mitchell Lowe, Little Rock, Non-attorney at large
Ronnie Williams, Menifee, Non-attorney at large

The **2019 Executive Committee** consisted of:

James S. Dunham, Russellville, Panel B, Committee Chair
Lisa C. Ballard, North Little Rock, Panel A, Committee Secretary
T. Benton Smith, Jr., Jonesboro, Panel A Chair
Stephen R. Crane, Magnolia, Panel B Chair
Joseph Hickey, El Dorado, Panel C Chair

The **2020 Executive Committee** will consist of:

Lisa C. Ballard, North Little Rock, Panel A, Committee Chair
James S. Dunham, Russellville, Panel B, Committee Secretary
T. Benton Smith, Jr., Jonesboro, Panel A Chair
Stephen R. Crane, Magnolia, Panel B Chair
Joseph Hickey, El Dorado, Panel C Chair

Panel C primarily serves: (1) as the review panel for dismissals of complaints by the staff, (2) as a third hearing panel as needed, and (3) individual Panel C members are used as substitute panel members when a member of Panel A or B is not available or has disqualified in any case on a ballot vote or a hearing. Panel D members are substitutes as needed for members of the other three panels who may not be available or who recuse in a case.

COMMITTEE MEETING CALENDAR:

Panel A meets on the third Friday of the months of January, March, May, July, September, and November.

Panel B meets on the third Friday of the months of February, April, June, August, October, and the second Friday of December.

Panels C and D meet “on call” for special settings of hearings.

2. OFFICE OF PROFESSIONAL CONDUCT

The Committee employs an attorney Executive Director and staff who function as the Office of Professional Conduct, which is housed in offices at the Riverdale Plaza at 2100 Riverfront Drive, Little Rock, Arkansas 72202. The Office of Professional Conduct receives all complaints involving attorneys licensed to practice law in the State of Arkansas, investigates the complaints, provides assistance in the preparation of formal complaints, and processes formal complaints for submission to the Committee. The budget of the Committee and Office for 2019-2020 is about \$927,000, totally funded by the Supreme Court by a portion of the annual license fee paid by Arkansas-licensed attorneys to the Arkansas Supreme Court. No state or taxpayer funds are directly provided to support the office and committee.

The Office of Professional Conduct is staffed by four staff attorneys, a paralegal, and two administrative assistants. The staff attorneys perform all duties and possess such authority of the Executive Director as the Executive Director may delegate, except for the final determination of sufficiency of formal complaints. In addition to Executive Director Stark Ligon, the Office staff attorneys during 2019 were Michael E. Harmon - Deputy Director, Charlene Fleetwood - Senior Staff Attorney, and Caroline Bednar - Staff Attorney.

In calendar 2019, as in previous years, the staff presented several “continuing legal education” programs or speeches on law-related topics across the state.

The Arkansas Supreme Court has not authorized the Office of Professional Conduct to give advice or legal opinions, formal or informal, on legal or ethical issues to anyone. The Office does provide information, where it is available and can be done without being advice or legal opinion.

The Office of Professional Conduct also provides staff support for the Supreme Court's Unauthorized Practice of Law Committee and the Client Security Fund Committee.

III. Administration

The Office of Professional Conduct receives telephone calls, letters, e-mails and faxes from individuals across the country requesting information on how to initiate complaints against attorneys licensed to practice law in the State of Arkansas. During the 2019 calendar year, the Office opened new files on 607 grievances on attorneys alleged lawyer misconduct, decreased from 697 new files opened in 2018. See attached Appendix A.

In 2019, following assigned review by staff attorneys of disciplinary complaints received in calendar year 2019 and carry-over cases from previous years, 557 files were closed, up from 549 files closed in 2018. For additional statistical information, see attached Appendix B.

IV. 2019 Formal Actions Initiated

In 2019, there were forty-four (44) new formal Complaint attorney discipline cases opened for the Committee on Professional Conduct panel action, up from the thirty-three (33) new formal Complaint cases opened in 2018. In 2019, twenty-six (26) formal Complaint files were closed, compared to forty-one (41) closed in 2018.

V. 2019 Final Committee Actions

Final action was taken in twenty-six (26) formal Complaint files involving Arkansas attorneys during the 2019 calendar year by the Office and the Committee on Professional Conduct. There are five primary forms of action, or sanction, that the Committee on Professional Conduct may take. The lowest, a warning, is non-public. The other forms of sanction - caution, reprimand, license suspension, and initiating disbarment proceedings - are public sanctions. In 2019, twenty (20) attorneys received at least one public sanction, down from twenty-three (23) in 2018.

VI. 2019 - Most Common Rule Violations

In the 2019 findings of the Committee on Professional Conduct Panels, as in most previous recent years, the most common rule violations involved Arkansas Rules 8.4(d) (not engaging in conduct prejudicial to the administration of justice), 8.4(b) (criminal conduct), 1.4(a) (client communication), 1.3 (acting with reasonable diligence and promptness in representing a client), and 1.1 (competence). A list containing the Arkansas Rule alleged and the number of times the Committee found the rule to have been violated in 2019 is attached as Appendix “C”.

VII. “Practice Aging” of Attorneys Disciplined (2019)

Of the 2019 final disciplinary actions by the Committee, based on number of years licensed in Arkansas, twenty (20) attorneys were publicly sanctioned as follows. (Attorney age information is not available):

Years Licensed	No. of Attorneys Publicly Sanctioned	Percentage
01-10 (2009-2018)	5	25.00%
11-20 (1999-2008)	5	25.00%
21-30 (1989-1998)	5	25.00%
31-40 (1979-1988)	5	25.00%
41+ (before 1979)	0	0.00%
Total	20	100%

(Several attorneys were publicly sanctioned more than once in 2019.)

VIII. 2019 Fines, Restitution & Costs

Type	Amount Imposed (2019)	Amount Collected (2019)
FINES:	\$ 0.00	\$ 500.00
RESTITUTION:	\$ 4,020.00	\$ 6,625.47
COSTS:	\$ 1,000.00	\$ 1,078.56
TOTALS:	\$ 5,020.00	\$ 8,204.03

(Note: some of the collections in 2019 were assessed in cases finalized in earlier years. Costs in disbarment cases are rarely collected.)

IX. 2019 Trust Account “Overdraft” Reporting

There were seventy-two (72) notices received in 2019 from all banks and reporters, compared to fifty-eight (58) in 2018. Most of these files were closed after a summary investigation and explanation by the attorney involved. None of the 2019 files has resulted in filing a formal Complaint to date.

There are a few 2019 files still “open” to some extent, such as awaiting additional documentation from the attorney. Of the few 2019 files still open, none are believed to involve a loss of client funds.

The overwhelming majority of overdraft reports were due to some form of “attorney/firm error” such as bookkeeping math mistakes, failure to make timely deposits of settlement funds, release of settlement checks to clients and third parties before settlement funds were available in the trust account, depositing checks into the wrong account, failure to account for IOLTA interest withdrawals or bank service fees, client fee and expense checks bouncing, etc. Some admitted bank errors are reported.

X. Summaries of 2019 Public Sanctions – Appendix “D”

	Number	Designation	Description	Annual Total
2		Attorney		
3	001	A-A/C	Attorney Conduct	54
4	002	A-A/S	Advertisement / Solicitation	3
5		Criminal		
6	003	CR-D	Criminal Defense	144
7	004	CR-P	Criminal Prosecution	41
8	005	CR-A	Criminal Appeal	11
9		Domestic Relations		
10	006	DR-D	Divorce	46
11	007	DR-C	Custody	27
12	008	DR-C/S	Child Support	12
13	009	DR-QDRO	Qualified Domestic Relations Order	0
14	010	DR-V	Visitation	4
15	011	DR-DA/OP	Domestic Abuse / Order of Protection	4
16	012	DR-P	Paternity	10
17		Juvenile		
18	013	J-DHS	Department of Human Services	2
19	014	J-FINS	Families in Need of Services	1
20		Probate		
21	015	PR-E	Estate	40
22	016	PR-T	Trust	3
23	017	PR-W	Will	5
24	018	PR-POA	Power of Attorney	1
25	019	PR-G	Guardianship	13
26	020	PR-A	Adoption	10
27	021	PR-CC	Civil Commitment	0
28		Bankruptcy		
29	022	BNK-7	Chapter 7	3
30	023	BNK-11	Chapter 11	1
31	024	BNK-13	Chapter 13	10
32		Civil		
33	025	CV-A	Appeal	5
34	026	CV-C	Contract	27
35	027	CV-DC	Debt Collection	8
36	028	CV-F	Foreclosure	0
37	029	CV-J	Judgment	0
38	030	CV-LL/TN	Landlord / Tenant	3
39	031	CV-MM	Medical Malpractice	5
40	032	CV-MVA	Motor Vehicle Accident	19
41	033	CV-FED	Civil - Federal	6
42	034	CV-PI	Personal Injury	12
43	035	CV-PR	Property	31
44	036	CV-T	Tort	7

45	037	CV-UD	Unlawful Detainer	1
46	038	CV-N	Negligence	0
47	039	CV-INJ	Injunction	0
48	040	CV-MISC	Miscellaneous	0
49		Miscellaneous		
50	041	SSD-SSI	Social Security Disability / Income	0
51	042	WC	Workers Compensation	7
52	043	ACC	Arkansas Claims Commission	0
53	044	IMGN	Immigration	11
54	045	SCPC	Supreme Court Per Curiam	0
55	046	ARGV	Arkansas State Government	1
56	047	IRS	Federal or State Taxes	3
57	048	EMP	Employment	8
58	049	DC-SC	District Court - Small Claims	2
59	050	INT-PR	Intellectual Property	1
60	051	BS-CP	Business / Corporation	3
61	052	USVA	Veterans Administration	2
			TOTAL GRIEVANCES:	607
No.	Disposition	Description		
20	Formal	Formal Complaint		
0	Diversion	Diversion / Probation		
0	ACL	Atty/Client Resolution Letter		
374	NSF*	No Sufficient Finding		
24	W/D*	Withdrawn by Complainant		
5	Merged-S	Merged with Surrender		
0	Merged-D	Merged with Disbarment		
0	Disbarred	Closed - Disbarred		
10	Closed-D	Closed - Deceased		
6	Closed-S	Closed - Surrendered		
1	FTR	Complainant Failed to Respond		
0	UPL	Unauthorized Practice of Law		
167	Open	Investigation Pending		
607	Total			

APPENDIX "B"

Category	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Files opened	873	1,028	972	892	826	804	819	859	861	888	735	794	716	744	657	725	616	697	607
Closed by staff	691	737	825	796	868	1137	784	786	742	845	806	646	478	732	595	663	550	549	557
Complaints filed	149	186	200	164	159	156	140	114	144	119	97	85	67	51	57	52	34	33	44
Appellate Referrals	34	45	50	40	34	39	50	33	41	18	17	40	7	14	7	14	3	2	1
Judicial Referrals	13	12	12	8	8	19	6	4	4	6	10	18	3	8	11	7	13	13	4
Attorney Referrals	N/A	N/A	N/A	24	7	16	9	15	15	7	14	38	37	28	33	14	9	16	2
Complaints closed	135	178	185	211	181	173	182	122	128	119	106	74	78	63	45	53	47	41	26
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
No Actions	12	30	15	24	18	19	13	10	11	10	7	4	4	5	2	3	5	2	0
Warnings	45	53	54	38	33	53	41	37	46	26	20	13	8	10	17	14	10	6	2
Cautions	14	31	28	53	41	29	34	20	28	15	24	8	10	17	10	7	6	9	3
Reprimands	26	35	37	36	31	30	26	14	14	19	20	11	11	5	7	7	11	9	2
Suspensions	19	14	20	9	17	12	23	12	10	10	11	9	12	4	3	5	13	14	6
Surrenders	13	5	5	11	6	7	1	6	5	3	14	8	3	2	6	6	1	0	9
Merge / surrender	N/A	1	14	29	5	4	0	6	18	6	9	1	1	2	3	2	0	0	0
Deemed Surrendered (Rule 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	0	0
Disbarment initiated	6	3	3	3	7	2	1	1	2	1	2	1	4	2	0	1	0	0	0
Disbarments		0	0	3	0	2	2	2	4	3	0	0	5	2	0	0	2	1	0
Reinstated	3	3	8	10	13	11	6	0	6	2	2	5	9	7	11	2	2	2	0
Consents	13	35	54	71	51	64		45	50	28	29	18	7	8	13	13	14	7	4
Refer to ArJLAP	N/A	2	0	0	1	3	0	0	0	0	0	0	0	0	0	0	1	0	0
No. of Attys Publicly Sanctioned*	57	61	72	101	102	68	67	49	44	44	60	29	30	27	25	21	18	23	20

Appendix “D” – 2019 Cases

SURRENDER

Brackett, Mark A., Bar No. 2014259, of Searcy, Arkansas, in No. D-18-1006, petitioned to surrender his law license as a result of his closing his law office in August 2018, his acknowledgment that he had likely violated several AR Rules, and his desire to not have to deal with at least three pending disciplinary complaints at OPC and possibly others to come. The Arkansas Supreme Court accepted his surrender on January 17, 2019

Henry, Matthew M., Bar No. 2005167, of Little Rock, in No. D-19-201, petitioned to surrender his law license as a result of his guilty plea to a felony in USDC No. 18-cr-485 and his sentencing on February 22, 2019, to a term of 33 months in federal prison. From his IOLTA client trust account, between August 2015 and March 2018 Henry converted to unauthorized and personal use \$25,000 from one client and over \$400,000 from another client. Henry has been on interim committee suspension since March 7, 2018. On April 4, 2019, the Arkansas Supreme Court accepted his license surrender.

Kearney, Jeffrey H., Bar No. 91249, of Pine Bluff, Arkansas. Following disbarment proceedings in No. D-16-174, the Special Judge recommended Mr. Kearney be disbarred. In lieu of continuing through the disbarment process of briefing the case to the Arkansas Supreme Court, the Court granted Mr. Kearney’s petition to surrender his law license in No. D-19-35 on January 31, 2019. As a result of the Court granting Kearney’s motion to surrender, the disbarment case was dismissed on February 28, 2019.

Morris, III, Thomas C., Bar No. 84110, of Bella Vista, surrendered his law license on May 30, 2019, in No. D-19-413 in lieu of discipline relating to CPC 2017-010, CPC 2017-011, and CPC 2018-017 involving Morris’ failure to adequately communicate with clients and failure to properly safeguard client funds, relating to three (3) estates/clients, in his IOLTA account with significant deficiencies spanning from April 2012 - April 2017 and at times exceeding \$400,000.

Hutchinson, Jeremy Y., Bar No. 2006145, of Little Rock, through Committee case No. CPC 2019-024, petitioned the Supreme Court for the surrender of his law license in lieu of disciplinary proceedings. On August 1, 2019, in No. D-19-557, the Court accepted his petition and removed him as an attorney. Hutchinson’s surrender was based on his guilty pleas in federal criminal cases in Arkansas and Missouri involving his role as a public official in felony public corruption schemes, tax charges, and campaign financial law violations.

Herrod, Paul E., Bar No. 84070, of North Little Rock, through Case No. CPC 2019-036, petitioned the Supreme Court for the surrender of his law license in lieu of disciplinary proceedings. On December 19, 2019, in No. D-19-880, the Court accepted his petition and removed him as an attorney. Herrod’s surrender was based on his health and that a non-lawyer employee of his office had engaged in criminal financial conduct against a Herrod client in connection with her employment which led to her arrest. The conduct of the non-lawyer employee was unknown to Herrod at the time. The Herrod employee was a former lawyer who had lost her Arkansas law license before Herrod employed her to work in his law office. The employee was

also hired by a Herrod client, where she embezzled funds from that client, for which she currently faces felony theft charges.

Martin, Dustyn Codie, Bar No. 2016051, of Hamburg, was placed on interim suspension by the Committee on October 18, 2018, after he was charged with a felony offense involving use of funds of a client. Martin then petitioned to surrender his law license in No. D-19-878 on November 14, 2019, after he entered guilty pleas to several felony offenses in cases in Drew and Ashley Counties on October 30, 2019. He was sentenced to serve 60 months in the ADC, where he now resides, and then 144 months on suspended imposition of sentence involving obtaining funds from others by deceptive means (Drew County charges) and theft of property (Ashley County charges). Other charges were nolle prossed as part of the plea deal.

INTERIM SUSPENSION

Satterfield, Guy R. “Randy”, Bar No. 81140, of Little Rock, represented two decedent estates. In one estate, he initially held estate assets totaling \$97,654.89. In the other estate, he initially held estate assets totaling \$37,195. Grievances were filed concerning the location of those assets and the Office of Professional Conduct requested trust account records. The bank records showed that there were not sufficient funds in the trust account equal to or in excess of the amount Satterfield was to safeguard for the two estates, revealing an overall shortage of at least \$60,000. Based on the information from the trust account records, a petition for interim suspension was filed in No. CPC 2019-030 and Panel B of the Committee on Professional Conduct placed Satterfield on an interim suspension on September 5, 2019, which continues in place.

Petersen, Paul David, Bar No. 2015249, of Mesa and Phoenix, Arizona, also licensed in Arizona and Utah, was placed on interim suspension by Committee order filed October 30, 2019, in No. CPC 2019-033 after he was charged on October 9, 2019, with felony offenses in United States District Court for the Western District of Arkansas, in case No. 19-cr-50079, related to adoption cases and clients in Arkansas, as well as related felony charges in state courts in Arizona and Utah. The adoption cases usually involved Marshallese Island birth mothers either residing in the USA or brought in from the Marshallese Islands for the purpose of an adoption and adoptive parents in the USA. Petersen currently has an Arkansas federal court trial date in February 2021. He is also a co-defendant in a related civil case in Washington County, No. 72cv-19-2712, concerning many of the Arkansas adoptions.

SUSPENSION

Maher, Jennifer Lynn, Bar No. 2010126 of North Little Rock, in CPC No. 2018-006, by Findings & Order filed January 28, 2019, had her law license suspended for Twelve (12) Months, with conditions upon reinstatement and \$50 costs, for violations of AR Rule 8.4(b) (criminal conduct). Maher received property reported to have been stolen and tried to sell the property. One of the items was an iPad which, when being shown to a purchaser and powered on, displayed a message posted by the owner. Maher retrieved the iPad and destroyed it. Maher was charged with theft of

property. Maher entered a plea of guilty to misdemeanor Theft By Receiving in Pulaski County District Court No. PCS-17-2188, was fined and ordered to pay \$529 restitution.

Maher, Jennifer Lynn, Bar No. 2010126 of North Little Rock, in CPC No. 2018-025, by Consent Findings & Order. Filed January 28, 2019, agreed to the suspension of her law license for Thirty-six (36) Months, with conditions upon reinstatement and \$50 costs, for violations of AR Rule 8.4(b) (criminal conduct). Maher was driving a vehicle and was stopped for speeding. The passenger in her car was on probation and had a search waiver on file. Suspected drugs and paraphernalia were discovered in a search inside the vehicle. Maher was charged with Possession of Controlled Substance with Purpose to Deliver. With the assistance of counsel, Maher entered a plea to the reduced charge of Possession of Controlled Substance and placed on probation for a period of twenty-four months. In a separate case, Maher and another individual were discovered sleeping in a storage unit. Inside the unit officers discovered suspected drugs and paraphernalia in plain sight. Maher was charged with Possession of Drug Paraphernalia. With the assistance of counsel, Maher entered a reduced charge of Possession of Drug Paraphernalia and placed on probation for a period of twenty-four months.

Reece, Dana A., Bar, No. 87142 of North Little Rock, in CPC No. 2018-010, on a complaint by Justin Phillips in a criminal representation, by Consent Findings & Order filed January 18, 2019, agreed to a suspension of her law license for Thirty-six (36) Months for violations of AR Rules 1.3, 1.4(a)(3), 1.4(a)(4), 3.4(c), and 8.4(d). Reece represented Phillips in a post-conviction matter in which she charged \$10,000 as a flat fee for representation in state court and an additional \$5,000 for representation in federal court. No post-conviction proceedings were filed in state court. Reece did file an action in federal court in March 2016. In June 2016, Phillips wrote the courts seeking information about his case, as he had not received any copies of pleadings filed on his behalf. On July 6, 2016, the federal court directed Reece to contact her client. On July 8, the federal district court clerk received a letter from Phillips stating that he had not had any contact with Reece. On July 8, 2016, the federal court directed Reece to contact Phillips within thirty days and to provide the court with a response to Phillips' letter. Reece did not provide the court with a response. On October 13, 2016, the federal court directed Reece to comply with its July 8 order or be subject to a show cause order. Reece did not respond to the court's order. On November 10, 2016, the federal court issued a show cause order to Reece directing her to appear in court on November 17. Reece filed a notice of compliance and requested a continuance. A show cause hearing was held on November 22 and, after testimony, the federal court found Reece to have failed, without sufficient justification, to comply with its order, and that her failure to comply was a gross violation of the practice expected of counsel admitted to the federal court. The federal court referred Reece to OPC.

Pearson, Melynda Gibson, Bar No. 95076, of Texarkana, Texas, in No. CPC 2019-022, by Order filed July 30, 2019, was reciprocally suspended from the practice of law in Arkansas for a period of twenty-four months, with three months active suspension and twenty-one months probated suspension, based on the similar suspension of her Texas law license by agreement entered on May 1, 2019, for her conduct in two client matters in Texas.

Morley, Stephen Ewing, Bar No. 79215, of North Little Rock and Arkansas City, in Case No. CPC 2016-120, by Consent Findings and Order filed November 15, 2019, on a complaint by the

Arkansas Revenue Department in 2015, had his law license suspended for forty-two (42) months and was assessed \$500 costs for his conduct in 2007-2014 in a matter involving sales tax audits of a Dermott liquor store, Royal Liquor. Two generations of the Lee family of Dermott owned and operated Royal Liquor for many years. Mr. Lee died in 2003, leaving the store to his wife to own and manage. She died in 2016. She was assisted in management of the store by two sons into 2007 and beyond, mainly eldest son Curtis Lee. A state tax audit in late 2007 resulted in an assessment of \$244,201. The Lee protest of that assessment was withdrawn by Morley. In December 2007, by a deed prepared by the Gibson Law Office of Dermott, Mrs. Lee conveyed title of the realty where Royal Liquor was located to her son Dennis Lee.

Morley then prepared the documents for what appeared to be a sale and transfer of Royal to Shaun Perry, a retired police officer and Lee family friend, in late 2007 for a cash price of \$40,623, conditioned upon DF&A clearing the sale to Perry, by not demanding the payment of the Royal lien balance of about \$203,578 so ABC would issue the Royal liquor license to Perry. The \$40,623 Morley sent to DF&A came to Morley from the Lees, not Perry. DF&A approved the sale in early February 2008. At the same time, Mrs. Lee then executed a deed prepared by Morley's office conveying the Royal real property to Perry's company, the same property she had deeded just prior to the sale to her son Dennis Lee. Dennis never appears to have deeded the Royal property to Perry or Block. The Lee-to-Perry transaction was a sham paper sale, as Morley also prepared documents by which the Lees maintained operational control of the store and had a buy-back/ option from Perry which set the option fee at \$250 and the repurchase price for the store at \$500 for the Lees. Perry did not receive any consideration or compensation for owning the store. The state effectively lost about \$203,000 in this transaction. Perry later wanted out of the liquor store deal and in 2010 Morley prepared a similar paper transaction from Perry to another Dermott resident, Raymond Block, a truck driver and Lee family friend. After the transfer to Block, the Lees continued to operate the store. Block received no compensation or consideration from the store, as its owner on paper.

In 2012-2013, Royal was again audited by DF&A, resulting in a new assessment of \$296,650, plus \$88,804 in interest and a penalty of \$29,665. Morley represented Royal in the protest. He also tried to represent Curtis Lee, Perry and Block, each of whom was being held liable for the assessment. DF&A claimed Morley had a conflict in trying to represent Lee, Perry and Block in the matter, given his documentation that had each of the three indemnifying the others. Morley withdrew. Chuck Gibson tried to step in but DF&A claimed he also had conflicts. Income tax records showed only Curtis Lee had income from Royal during the audit periods, Perry and Block had none.

In July 2014, Gibson tried to present DF&A a deal by which another family would buy Royal and its licenses for \$101,000 cash at closing, conditioned upon DF&A getting ABC to issue the licenses to the new purchasers without demanding payment of the 2013 assessment balance of \$195,650, not including interest and penalty. This deal fell through, the Royal licenses were not renewed, and the store closed in mid-2014. A hearing conducted in October 2014, resulted in Curtis Lee, Perry, and Block each being hit with a judgment and resulting recorded tax lien for \$296,664. Perry contested the lien but was denied relief in early 2015. With the help of the Gibson Law Firm of Dermott, Lee and Block managed to deed and transfer title to their residential properties to third parties before the October 2014 hearing and before resulting large liens were recorded locally. Perry was not so lucky, as the lien is now on his home.

In his consent, Morley admitted violations of Rules 1.1, 1.7(a), 1.9(a), 1.9(b), 1.9(c), and 8.4(d). He did not contest that OPC could submit evidence of conduct which could likely sustain violations of Rules 4.1(a), 4.3, 8.4(a), and 8.4(c). Morley also presented evidence of significant health issues and his age as part of the consent.

SUSPENSION-STAYED

Johnson, Thomas Henry, Bar No. 92249, and Texas Bar No. 00796069, now of Frisco, Texas, in State Bar of Texas case No. 201601118, on April 12, 2018, agreed to a fully probated and stayed suspension of his Texas license for twelve months for his conduct in neglecting the legal matters of a client in two civil cases. The Texas Bar reported the matter to OPC. As a public sanction, OPC, in No. CPC 2019-028, registered the Texas sanction in Arkansas.

REPRIMAND

Lilly, Martin Emmett, Bar No. 90098, of Jonesboro, in Case No. CPC 2012-082, by Consent Findings filed October 18, 2019, was reprimanded for violations of Rules 1.3 and 1.15(b)(1) for his conduct in handling settlement funds for two minors from the death of their mother. In late 2004 Lilly was ordered to place \$59,500 in settlement funds due to two minors into a restricted-access bank account until they became adults. In 2008, Lilly received a document from a credit union which appeared to acknowledge its receipt of the \$59,500 into two guardianship accounts opened by the minors' grandfather and Lilly thereafter believed the funds were where they were supposed to be. He did not check his trust account records close enough to notice that no check from his account to the credit union ever cleared his bank. In late 2011, when one of the minors became of age and asked for his funds, the credit union denied receiving the funds for the young men. Lilly was confronted with the issue and upon investigation realized he had not actually transferred the funds and the funds has since been used for other purposes. Lilly replaced the funds and interest, totaling \$70,000, in November 2012, by his payment to the attorney for the minors' grandfather.

McCauley, Rhonda Ann, Bar No. 2000024, of Fort Smith and Rogers, Arkansas, in Case No. CPC 2019-020 by Consent Findings and Order filed on December 13, 2019, was Reprimanded for violations of AR Rules 1.4(a), 1.16(d), and 8.4(d), ordered to pay \$3,720 in Restitution to Douglas Hall and Amilcar Cornejo, and assessed \$250 in costs. McCauley represented Cornejo in immigration matters, but McCauley failed to adequately communicate. Hall retained new counsel, and McCauley failed to refund advanced payment of fees that were not earned. Cornejo and his spouse Hall filed suit against McCauley in 66FCV-2016-597 and were awarded a judgment.

Rhoden, Summer Michelle, Bar No. 2010208, of Memphis, Tennessee, in Case No. CPC 2019-010 by Findings and Order filed December 3, 2019, was Reprimanded for violations of AR Rules 8.4(b) and 8.4(d) and assessed \$50.00 costs. Rhoden entered a guilty plea in criminal court in Shelby County, Tennessee (Memphis) to the offense of Criminal Attempt T.C.A. §39-12-101, a misdemeanor, for her failure to turn into law enforcement a family member who was a suspect in a homicide, for which she received supervised probation for one year.

CAUTION

Craytor, Bart Charles, Bar No. 93046, of New Boston, Texas, in No. CPC 2019-023, by Consent Findings & Order filed September 20, 2019, was cautioned for violations of Rules 1.3, 1.16(c), 3.2, 3.4(c), and 8.4(d). In 2016, Quayvon Peoples was charged with three counts of felony rape in Miller County, Arkansas. Peoples hired Craytor to represent him on the charges. After a jury trial, Peoples was found guilty and sentenced to 30 years in the Arkansas Department of Corrections. Peoples requested Craytor file an appeal of his conviction, which Craytor timely filed. Peoples was declared indigent for purposes of the appeal. Craytor made a request for the record in the case. The court reporter completed the record providing a Certificate of Cost, a Certificate of Cost Paid showing Peoples as indigent, and a Certificate attesting to the authenticity of the record prepared. Craytor signed a Receipt for Picking Up Appeal acknowledging that he had picked up the record on that day. Craytor failed to lodge the record with the Supreme Court Clerk.

Approximately one year after Craytor picked up the record in his case, Peoples filed a Pro Se Motion to File Appeal, and a partial record. The Office of the Criminal Justice Coordinator of the Supreme Court of Arkansas, wrote Peoples a letter acknowledging receipt of Peoples' motion and attached documents, and advised it was treating Peoples' motion as a Motion for Rule on the Clerk. The Supreme Court issued its Opinion and Formal Order finding that Craytor had filed a timely notice of appeal but failed to tender the record within the required time frame. The Court also found that Craytor did not take any action to perfect Peoples appeal, nor was Craytor permitted by either the trial court or appellate court to withdraw from his representation of Peoples. Craytor was directed to file the remainder of the record in the case within ten (10) days of the Court's Opinion. Peoples' motion was granted. Craytor then failed to file the record as directed by the Court and was removed as Peoples' attorney.

Van Es, Todd A., Bar No. 2008202, of Centerton, in No. CPC 2019-011, by Findings & Order filed September 5, 2019, on a complaint from John Craig Moline, for violations of Rules 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), and 8.1(b), was cautioned and ordered to pay \$300 restitution to Moline. Moline engaged Van Es in August 2018 to review legal documents and prepare a deed, paying \$300 for the services. Van Es did not perform the work and failed to communicate with Moline, who filed a complaint with OPC. Van Es failed to respond to inquiry from OPC and then failed to file a response to the formal Complaint filed April 9, 2019, which constituted an admission of the charges.

Young, Paige E., Bar No. 99123, of Fayetteville, in No. CPC 2019-004, on a complaint by Eloise Jackson, by Findings & Order filed September 30, 2019, for violations of Rules 1.2(a), 1.3, 1.4(a)(3), and 1.4(a)(4), was cautioned. In August 2014, after a group presentation at a senior citizens center, Young was engaged by Ms. Jackson, an elderly widow, and paid a \$2,000 fee to prepare estate planning documents for her. No documents were received by Jackson. In March 2017 a lawyer friend of Jackson's began contacts with Young about the matter. With no results, Jackson filed her grievance in July 2018. OPC contacted Young. He stated he would refund her fee. After additional contacts by OPC, in November 2018, Young refunded the fee to Jackson.