

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

IN RE: **LISA DIANE DAVIS**
Arkansas Bar ID # 2001072
CPC Docket No. 2012-053

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Tiffany Branson on June 28, 2012. The information related to the representation of Ms. Branson in 2010-2012 by Respondent Lisa Diane Davis, an attorney practicing primarily in Piggott, Clay County, Arkansas. On September 10, 2012, Respondent was served with a formal complaint, supported by affidavits from Tiffany Branson, Michael Branson, Dr. Phillip Daffron, Doyle and Gail Dollins, and David Copelin which are all incorporated into this Complaint the same as if set out herein verbatim.

Accompanied by her mother, Gail Dollins, Tiffany Branson went to Lisa Davis on December 1, 2010, to discuss employing Ms. Davis to represent Ms. Branson in a divorce from her spouse, Michael Branson. On January 3, 2011, Ms. Branson went back the Davis's office and paid Davis \$2,550, by check, for the divorce and service fees, and left another check for \$165 for filing fees. On the same day, Ms. Branson filed a pro se Petition for Order of Protection, as Case No. DR-2011-3 in Clay County Circuit Court and an order was issued for a February 3, 2011, hearing on the matter. On the same day, allegedly unknown to her, claims Ms. Branson, Ms. Davis filed an unverified Petition for Divorce for Tiffany Branson

against Michael Branson, as Case No. DR-2011-04, but never took steps to have Mr. Branson served. The Bransons separated on January 3, 2011, but reconciled about two weeks later. Ms. Branson then told Davis she wished to drop the idea of pursuing a divorce.

On February 3, 2011, Mr. and Mrs. Branson appeared in court on the Order of Protection matter, told the judge they wished to drop the matter, and they and their attorneys signed the Order that was then entered. Davis did not dismiss the pending divorce case then, but instead the Court finally did so in early March 2012, after sending notice to Davis in January 2012, that the divorce case was subject to dismissal for inaction.

In her Response, Davis claims Tiffany Branson knew at the time of the actual filing of her divorce suit, and stated Ms. Branson directed Davis to not dismiss the divorce for 120 days, the service period, in case the reconciliation was not successful. Davis also states that after court in February 2011, Ms. Branson told Davis to not drop the divorce case until Ms. Branson told her to do so. Davis acknowledged that on March 8, 2011, Ms. Branson told Davis she did not want to follow through on the divorce action due to the reconciliation.

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

A. The conduct of Lisa Diane Davis violated Rule 1.2(a) in that in February 2011, client Tiffany Branson informed her attorney, Lisa Davis, that Branson desired that no divorce against her husband, Michael Branson, be pursued, as the Bransons had reconciled in January 2011. Knowing she had filed a divorce for Tiffany Branson on January 3, 2011, as case No. DR-2011-04, Ms. Davis failed to abide by the stated objective of her client and not pursue or

dismiss the pending divorce case, instead taking no action and the court dismissing the case over a year later, in March 2012, for lack of action. Arkansas Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c) and (d), and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **LISA DIANE DAVIS**, Arkansas Bar ID# 2001072, be, and hereby is, **REPRIMANDED** for her conduct in this matter, and ordered to pay \$50.00 case costs. In assessing this sanction, Respondent's prior disciplinary record was a factor. The \$50.00 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: /s/ Barry Deacon, Chair, Panel B

Date: January 2, 2013

Original filed with the Arkansas Supreme Court
on March 1, 2013

