

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

IN RE: **J. REBECCA HASS**
 ARKANSAS BAR ID #2000172
 CPC Docket No. 2013-047

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Ms. Jennifer Harvey. The information is related to Ms. Rebecca Hass' representation of Ms. Harvey in a domestic relations matter. Ms. Hass is an Arkansas licensed attorney practicing primarily in Washington County, Arkansas.

Ms. Hass was hired in November 2009 to represent Ms. Harvey in pending litigation on a Petition to Modify Divorce Decree, initiated by Harvey's ex-husband Brad Harvey, and also to pursue Ms. Harvey's counterclaim on a Petition for Contempt Citation for failure to pay child support and alimony.

Ms. Harvey paid Hass a \$5000.00 retainer for the representation. Ms. Hass entered her appearance in *Jennifer Harvey v. Brad Harvey*, DR2008-23, in the Washington County Circuit Court, on November 30, 2009.

The case was tried on December 16, 2009. At the conclusion of the trial, Ms. Hass requested permission to submit a trial brief. The court granted her request and ordered that the brief be filed by December 18, 2009. On December 18, 2009, Ms. Hass sent a letter to the court explaining that she needed additional time to complete the trial brief. The court granted Ms. Hass until December 21, 2009, to file her trial brief.

Ms. Hass did not file a trial brief until January 19, 2010, almost one full month after the court's deadline. On January 20, 2010, Ms. Harvey's ex-husband filed a Motion to Strike Plaintiff's [Ms. Harvey's] Trial Brief. On February 3, 2010, Ms. Hass filed a response to the

motion to strike. In that response, Ms. Hass acknowledged that she submitted her brief after the time granted.

On February 4, 2010, the court struck Ms. Hass' trial brief because it was filed almost one month after the deadline. On February 5, 2010, the court entered an order reducing Brad Harvey's child support payments for his three children from \$3000.00 per month to \$718.00 per month. The court applied this reduction retroactively to February 3, 2009, the date Brad Harvey filed his petition. The court did not award Ms. Harvey any attorney's fees.

On February 22, 2010, Ms. Hass filed a Motion for Reconsideration on the issues of the reduction in child support and the award of attorney's fees on behalf of Ms. Harvey. The court took no action on Ms. Hass' motion for reconsideration. After the motion was deemed denied, Ms. Hass filed a notice of appeal from the trial and the resulting February 5, 2010, Order, on behalf of Ms. Harvey.

Ms. Hass subsequently informed Ms. Harvey that she would charge a non-refundable retainer of \$3000.00 for the appeal, due on the date the transcript is lodged, and an additional \$250.00 per hour to complete the appeal. Ms. Hass also informed Ms. Harvey she would be required to pay a \$750.00 retainer to pursue a contempt action for unpaid child support and alimony. Because she was unable to pay those fees, Ms. Harvey did not pursue an appeal.

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

1. That Rebecca Hass' conduct violated Rule 1.3 when she failed to timely file the trial brief despite receiving an extension from the court. Hass' trial brief was due on December 21, 2009, and she did not file it until January 19, 2010. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That Rebecca Hass' conduct violated Rule 8.4(d) when she failed to timely file her trial brief resulting in the filing of a motion to strike by opposing counsel and necessitating additional orders from the court. Arkansas 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 A, that J. Rebecca Hass, Arkansas Bar ID# 2000172, be and hereby is, **CAUTIONED** for her conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011). Ms. Hass is assessed the costs of this proceeding in the amount of **FIFTY DOLLARS (\$50.00)**. In addition, pursuant to Section 18.C of the Procedures, Ms. Hass is ordered to pay restitution in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**. The cost 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 A

By:/s/ Danyelle J. Walker, Chair, Panel A

Date: November 27, 2013

Original filed with the Arkansas Supreme Court
Clerk on March 5, 2014.

