

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

IN RE:           **CATHERINE PALMER DEAN**  
                    ARKANSAS BAR ID #96034  
                    CPC Docket No. 2013-061

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Mr. James Hollis. The information is related to the representation of Mr. Hollis and his sister, Debra Thompson, in obtaining guardianship of their mentally ill sister. Ms. Catherine Palmer Dean is an Arkansas licensed attorney practicing primarily in Mississippi County, Arkansas.

On October 27, 2010, Mr. Hollis and his sister, Debra Thompson, met with Ms. Dean to discuss her representation of them in a probate matter. Mr. Hollis and his sister were seeking to obtain permanent guardianship of their younger sister, who was diagnosed with mental illness. The sister had stopped taking her medications and had become a danger to herself. Ms. Dean agreed to the representation and quoted to Mr. Hollis a fee of \$700.00. Mr. Hollis wrote Ms. Dean a check for \$500.00 down that day.

On October 28, 2010, Ms. Dean filed a Petition for Ex Parte Emergency Appointment of Guardian of the Person and Estate on behalf of Debra Thompson to have her appointed as guardian of her sister. The Ex Parte Emergency Appointment of Guardian was entered on November 4, 2010, filed November 9, 2010, giving Debra Thompson temporary guardianship of her sister. A hearing was scheduled for November 9, 2010. The hearing was continued and rescheduled for November 12, 2010. There is no order showing that a hearing was held on November 12, 2010.

On December 2, 2010, an extension of an additional ninety (90) days was granted for the

temporary guardianship. In addition, the Acceptance of Appointment of Guardianship of Person and Estate and the Letter of Guardianship for the temporary guardianship were also filed. After the December 2, 2010, filings, no other action was taken on the case for several months.

After the December 2, 2010, filings, Mr. Hollis and Ms. Thompson contacted Ms. Dean by telephone and text messages regarding the next steps to getting a permanent guardianship of the sister established. During this time frame, the additional ninety (90) day extension of the temporary guardianship had expired. After several unsuccessful attempts to contact Ms. Dean, Mr. Hollis sent Ms. Dean a text message on March 21, 2011, regarding setting a court date and the expired temporary guardianship of his sister. Ms. Dean responded by text that she would “get it redone....”

On April 5, 2011, Mr. Hollis and Ms. Thompson sent Ms. Dean a text message concerning the expired temporary guardianship. On April 12, 2011, Ms. Dean filed a second Petition for Ex Parte Emergency Appointment of Guardian of the Person and Estate. On April 12, the second Order for Ex Parte Emergency Appointment of Guardian of the Person and Estate was filed. A hearing on the matter was scheduled for April 15, 2011. No hearing took place after the filing of the April 12 Petition.

Mr. Hollis and Ms. Thompson again sent text messages to Ms. Dean following the filing of the second petition, with no reply. Following their last unsuccessful attempt to contact Ms. Dean, Mr. Hollis and Ms. Thompson learned that Ms. Dean had closed her private law practice, and had taken a public sector job. Ms. Dean had not notified them of her new contact information, nor had she informed Mr. Hollis and Ms. Thompson that she was no longer in private practice and that she had ceased representing them in the matter. Ms. Dean never took any other action on the case and the second temporary guardianship terminated.

Upon consideration of the formal complaint and attached exhibit materials, the response,

and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Catherine Palmer Dean's conduct violated Rule 1.3 when on two separate occasions, she failed to complete the guardianship case. Ms. Dean filed two separate temporary guardianship petitions and then let the temporary guardianships expire within the ninety (90) day time frame without a hearing or pursuing a permanent guardianship as requested by her clients, James Hollis and Debra Thompson. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. Catherine Palmer Dean's conduct violated Rule 1.4(a)(3) when (a) she failed to keep her clients, James Hollis and Debra Thompson, informed about the status of the guardianship case. Mr. Hollis and Ms. Thompson attempted to contact Ms. Dean on several occasions with no response, and (b) she failed to inform her clients, Mr. Hollis and Ms. Thompson, that she had closed her private practice and taken a position in the public sector. Ms. Dean did not notify her clients of her new contact information once she closed her private office. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

3. Catherine Palmer Dean's conduct violated Rule 1.4(a)(4) when she failed to contact her clients, Mr. Hollis and Ms. Thompson, after their repeated requests for information about the status of the guardianship case. Arkansas Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.

4. Catherine Palmer Dean's conduct violated Rule 1.16(d) when she failed to advise her clients, Mr. Hollis and Ms. Thompson, that she no longer represented them and that she had closed her private practice and taken a position in the public sector. Arkansas Rule 1.16(d) states upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for

employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

5. Catherine Palmer Dean's conduct violated Rule 3.2 when (a) she failed to proceed with two scheduled hearings on two separate temporary orders for guardianships on behalf of her clients, Mr. Hollis and Ms. Thompson, and (b) she failed to obtain a hearing date within the ninety (90) day time frame of the temporary guardianship for permanent guardianship as requested by her clients, Mr. Hollis and Ms. Thompson. Ms. Dean allowed two separate ninety (90) day temporary guardianships to expire without taking any further legal action on the matter. Arkansas Rule 3.2 state that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

6. Catherine Palmer Dean's conduct violated Rule 8.4(d) when, on two separate occasions, she filed Petitions for Ex Parte Emergency Appointment of Guardianship of the Person and Estates, received temporary orders, had scheduled court dates, and on both occasions failed to follow through with the case as requested by her clients Mr. Hollis and Ms. Thompson which required the circuit court to expend unnecessary extra time on the matters. 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 B, that Catherine Palmer Dean, Arkansas Bar ID #96034, be and hereby is, **CAUTIONED** for her conduct in this matter. In assessing a sanction, the attorney's prior disciplinary record was a factor.

Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011), Ms. Dean is assessed the costs of this

proceeding in the amount of **FIFTY DOLLARS (\$50.00)**. In addition, pursuant to Section 18.B of the Procedures, Ms. Dean is ordered to pay a fine in the amount of **SEVEN HUNDRED FIFTY DOLLARS (\$750.00)**. The costs assessed and fine ordered herein, totally **\$800.00**, 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:/s/Steve R. Crane,Chair,Panel B

Date: June 24, 2014

Original filed with the Arkansas Supreme Court  
Clerk on August 4, 2014.