

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE: CHRISTOPHER A. TOLLESON  
ARKANSAS BAR ID #2011032  
CPC Docket No. 2016-069

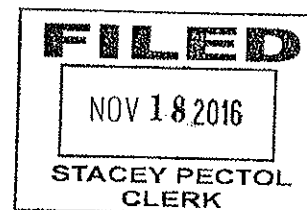
CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Findings and Order is based arose from Christopher A. Tolleson's representation of Ms. Dondia Miller in a divorce action. Mr. Tolleson is an Arkansas licensed attorney practicing primarily in Conway, Arkansas. Following Mr. Tolleson's receipt of the formal complaint, Mr. Tolleson entered into discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

1. On May 30, 2013, Ms. Miller hired Mr. Tolleson to represent her in her divorce. Mr. Tolleson and Ms. Miller agreed that Mr. Tolleson's fee would be \$185 per hour with an estimated total fee of about \$2,500.00, in addition to her paying any other fees such as filing fees.

2. Ms. Miller paid Mr. Tolleson a down payment of \$1,250.00 with a check drawn on her parents' account. Mr. Tolleson provide Ms. Miller with a receipt for the payment. There was no written fee agreement.

3. Ms. Miller also dropped off her then husband's gun to Mr. Tolleson for safekeeping for which another attorney, Ms. Terri Kienlen, with whom he shared office space but was not associated, gave her a receipt.



4. Upon the advice of Mr. Tolleson, Ms. Miller took her children and moved to Nevada, waiting for Mr. Tolleson to file the divorce. After speaking with Mr. Tolleson on June 5, 2013, regarding her move to Nevada, Ms. Miller's attempts to contact Mr. Tolleson were unsuccessful.

5. When she did not hear back from Mr. Tolleson, Ms. Miller contacted the Faulkner County Circuit Clerk's office to see if her divorce action had been filed. She was advised that nothing had been filed.

6. On June 10, 2013, after calling Mr. Tolleson and leaving a voicemail message for him, the attorney, Ms. Kienlen called her and advised her that Mr. Tolleson had a family emergency, which was why he was not available.

7. Ms. Miller continued to call Mr. Tolleson after that and again spoke with Ms. Kienlen on June 17, 2013. Ms. Kienlen advised Ms. Miller that Mr. Tolleson would not be in the office as Mr. Tolleson's son was sick.

8. Mr. Tolleson had still not filed the divorce action.

9. On June 21, 2013, Ms. Miller emailed Mr. Tolleson requesting that he return the \$1,250.00 she paid him to represent her. On this same day, Ms. Miller also had her sister pick up the gun which was given back by Ms. Kienlen.

10. Ms. Miller terminated Mr. Tolleson by fax to his office, voicemail, and certified mail which was signed for. Ms. Miller then hired another attorney to represent her on her divorce, who filed the divorce on June 18, 2013, and completed her divorce for her on November 21, 2013.

11. Mr. Tolleson had no contact with Ms. Miller, nor had he returned the \$1,250.00 she paid him for his representation despite the fact that he never filed a divorce action on her behalf.

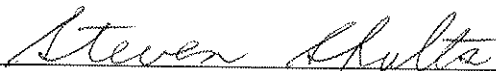
Upon consideration of the formal complaint and attached exhibit materials, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Tolleson's conduct violated Rule 1.3 when he failed to file the divorce action on behalf of Ms. Miller after receiving a \$1,250.00 fee and advising Ms. Miller he would do so.
2. That Tolleson's conduct violated Rule 1.4(a)(3) when he failed to advise Ms. Miller of his health issues and that he was caring for family members with health issues which resulted in him not filing her divorce action as hired to do.
3. That Tolleson's conduct violated Rule 1.4(a)(4) when he failed to respond to Ms. Miller's repeated requests for information after Ms. Miller unsuccessfully attempted to contact him several times.
4. That Tolleson's conduct violated Rule 1.16(a)(2) when he failed to notify Ms. Miller and withdraw from her matter when his health issues and those of his other family members resulted in his inability to fulfill the legal representation Ms. Miller hired him to do.
5. That Tolleson's conduct violated Rule 1.16(d) when he failed to return the \$1,250.00 fee Ms. Miller paid upon her request and when he failed to file the divorce action as he had been hired to do, resulting in Ms. Miller having to pay additional funds to hire another attorney to file and complete her divorce.

**WHEREFORE**, in accordance with the consent to discipline presented by Mr. Tolleson and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Christopher A.

Tolleson, Arkansas Bar ID#2011032, be and hereby is, **REPRIMANDED** for his conduct in this matter, and he agrees to and is ordered to pay \$50.00 case costs. The 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 Consent Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL A

  
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Steven Shults, Vice-Chair, Panel A

Date: November 18, 2016