

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

IN RE: CHRISTOPHER A. TOLLESON
ARKANSAS BAR ID #2011032
CPC Docket No. 2016-099

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. Patricia Mize (now Kammers) 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).

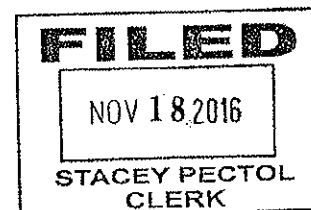
1. On July 26, 2012, Ms. Kammers hired Mr. Tolleson to represent her in an uncontested divorce. She paid him \$600.00 for the representation.

2. Between July 26, 2012, and December 7, 2012, Ms. Kammers made repeated phone calls to Mr. Tolleson. She left several messages. She did speak with Mr. Tolleson on a few of those times.

3. During the times Ms. Kammers spoke with Mr. Tolleson, he repeatedly told her that he would file the pleadings for her divorce. Mr. Tolleson never filed for the divorce.

4. On December 7, 2012, Ms. Kammers went to Mr. Tolleson's office located in Conway, Arkansas, to speak with him about her case. When she arrived, Mr. Tolleson was not there.

5. Ms. Kammers spoke to another attorney, Ms. Terri Kienlen, who shared office space with Mr. Tolleson, although they were not associated with each other.



6. Ms. Kienlen informed Ms. Kammers that Mr. Tolleson had been out and was having some health issues. Ms. Kienlen then advised Ms. Kammers that she would be taking over Ms. Kammers' divorce case. Ms. Kammers then paid Ms. Kienlen the \$165.00 filing fee to file the divorce.

7. After failure on both attorneys' part to file her divorce action, Ms. Kammers hired another attorney, Carla Fuller, paying her \$900.00 for her representation. Ms. Fuller filed and completed the divorce for Ms. Kammers, with the Decree filed March 19, 2013.

9. Mr. Tolleson did not return to Ms. Kammers the \$600.00 payment she made to him.

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. Kammers after receiving a \$600.00 fee on July 26, 2012, and advising Ms. Kammers he would so.

2. That Tolleson's conduct violated Rule 1.4(a)(3) when he failed to advise Ms. Kammers of his health issues which resulted in him not filing her divorce action as hired to do.

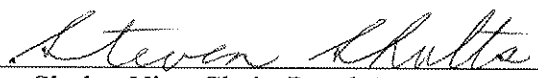
3. That Tolleson's conduct violated Rule 1.4(a)(4) when he failed to respond to Ms. Kammers' repeated requests for information after Ms. Kammers unsuccessfully attempted to contact him several times.

4. That Tolleson's conduct violated Rule 1.16(a)(2) when he failed to notify Ms. Kammers and withdraw from representation of her when his health issues resulted in his inability to fulfill the legal representation Ms. Kammers hired him to do.

5. That Tolleson's conduct violated Rule 1.16(d) when he failed to return the unearned portion of the \$600.00 fee Ms. Kammers paid when he failed to file the divorce action as he had been hired to do, resulting in Ms. Kammers 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



Steven Shults, Vice-Chair, Panel A

Date: November 18, 2016