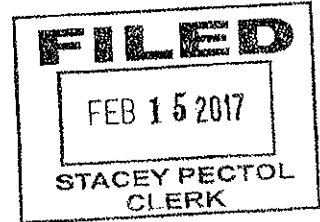


BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A



IN RE: HAROLD DAVID ("H. D.") NATIONS, Respondent
Arkansas Bar ID # 2013215
CPC Docket No. 2016-147

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 Bruce Smith (Smith) of Drasco, Arkansas, in May 2016. The information related to the representation of Smith in a divorce by Respondent Harold David Nations, an attorney practicing primarily in Heber Springs, Cleburne County, Arkansas. On December 5, 2016, Respondent was served with a formal Complaint, supported by the affidavit of Smith. Respondent failed to file a response to the Complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal Complaint and extinguishes Respondent's right to a public hearing.

1. In March 2016, Smith needed an attorney for a divorce in Cleburne County, Arkansas. Smith contacted Nations and Nations agreed to represent Smith.

2. Smith paid Nations \$665 in cash for his services in filing what was expected to be an uncontested divorce for Smith. The amount included the \$165 court case filing fee. Smith met and paid Nations in a public place in Heber Springs and Nations gave Smith no receipt for the cash payment.

3. Nations told Smith he would communicate with Smith's wife Brandi. Nations told Smith if there were no problems, it would be an uncontested divorce and would be final in a

little over thirty days after it was filed.

4. Thereafter, communication and contact by Smith with Nations became difficult.

Text messages between Smith and Nations show their communications about the status of the Smith divorce matter.

5. Nations never filed the divorce complaint for Smith.

6. Nations' Arkansas law license was in suspended status between April 16 and June 1, 2016, due to his failure to timely pay his 2016 license renewal fee.

7. After reading negative reviews posted on-line about Nations, on April 28, 2016, Smith texted Nations and asked him for a fee refund, as Nations had failed to take action for Smith to that time.

8. Nations took no action for Smith, and abandoned Smith as a client.

9. Nations texted Smith on April 29, 2016, and informed Smith a refund would be coming.

10. Nations has not refunded Smith any amount.

11. Smith contacted the Bryce Brewer law firm of North Little Rock and paid the firm \$550.00. Joshua Adam Eason of the Brewer firm filed the divorce complaint for Smith on May 18, 2016, as case No. 12DR-16-109 in Cleburne County Circuit Court.

12. In late May 2016, Smith filed a grievance against Nations with the Office of Professional Conduct.

13. In doing case research at the court clerk's office, Smith found he was one of several clients Nations has treated in the manner Nations treated Smith - taken the client's money and then abandoned the client.

14. On August 22, 2016, Smith appeared with Bryce Brewer in court in Heber Springs for his final hearing. Smith saw Nations in the courtroom representing a client. Smith reports Nations seemed to be in a good mood and unconcerned about Smith being there with a new attorney to do the job for him that Nations did not do after taking Smith's money.

15. Brewer assisted Smith in smoothly obtaining his uncontested divorce on August 22, 2016, on the grounds of eighteen months' separation.

16. Since Nations' dealings with Smith in March 2016, Nations has accepted at least one other new client in Cleburne County, in the West case.

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

A. The conduct of H. D. Nations violated Rule 1.16(d) in that after receiving \$665 from Bruce Smith in March 2016, which included Nation's legal fee and the \$165 filing fee for Smith's divorce to be filed in Cleburne County, Nations failed to file Smith's case, abandoned Smith as a client, failed to account to Smith for Nations' use of Smith's funds and failed to refund the unearned portion of his fee and the \$165 he held for the Smith filing fee. Arkansas Rule 1.16(d) requires that, 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.

B. The conduct of H. D. Nations violated Rule 8.4(c) in that (1) Nations made a false statement by text message on April 29, 2016, to his client Bruce Smith when Nations informed Smith that a refund would be coming to Smith, and no refund was ever made to Smith, and (2) Nations continued to take at least one new local client and file or enter their legal matter in 2016 after he had abandoned Smith. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

C. The conduct of H. D. Nations violated Rule 8.4(d) in that Nations accepted his full fee plus filing fee for Bruce Smith's divorce in March 2016, failed to file anything for Smith, and abandoned Smith in May 2016. Arkansas Rule 8.4(d) provides 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 the Arkansas law license of **HAROLD DAVID NATIONS, Arkansas Bar ID# 2013215**, be, and hereby is, **SUSPENDED FOR SIXTY (60) MONTHS** for his conduct in this matter. Nations is also assessed standard case costs of \$50.00 and ordered to pay \$665.00 restitution for the benefit of Bruce Smith. As a condition of his future reinstatement from suspension, Nations shall provide adequate proof of payment of the restitution. For his failure to file any response to the Complaint, Nations is further sanctioned with a separate REPRIMAND.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court, and shall be concurrent from its

effective date with any other suspension on Respondent now in effect or imposed. The costs 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: Steven Shults
Steven Shults, Chair, Panel A

Date: January 24, 2017