

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: CHARLES DWAIN OLIVER
ARKANSAS BAR ID #2001009
CPC Docket No. 2017-026

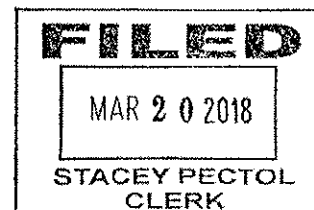
FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from Charles Dwain Oliver's representation of Mr. Thomas Slaughter on a criminal record expungement. Mr. Oliver is an Arkansas licensed attorney practicing primarily in Hampton, Arkansas.

1. On April 2013, Slaughter hired Oliver to get a prior criminal record expunged.
2. Slaughter paid Oliver a total of \$800.00 for the representation.
3. After paying the attorney fee, Slaughter made several unsuccessful attempts at contacting Oliver.
4. Oliver did not take any action or file any pleadings on behalf of Slaughter.
5. Oliver did not provide Slaughter with any refund of the \$800.00 paid to him.
6. Slaughter filed a grievance with the Office of Professional Conduct (OPC) in late 2014.
7. OPC has made several unsuccessful attempts at getting Oliver to respond in writing to the allegations made against him in grievance by written communication and telephone calls to Oliver. No written response has ever been received from Oliver to the OPC requests.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Oliver's conduct violated Rule 1.1 when he failed to take any action or file the appropriate pleadings on behalf of his client, Thomas Slaughter. Arkansas Rule 1.1 states that a



lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. That Mr. Oliver's conduct violated Rule 1.3 when he failed to timely take any action or filed the appropriate pleadings on behalf of his client in the years since he was hired in 2013. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Mr. Oliver's conduct violated Rule 1.4(a)(3) when he failed to communicate with his client, Mr. Slaughter, regarding the status of his case. Arkansas Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.

4. That Mr. Oliver's conduct violated Rule 1.4(a)(4) when he failed to respond to his Client Slaughter's several attempts at contacting him regarding the status of his case. Arkansas Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.

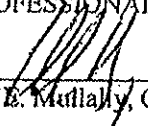
5. That Mr. Oliver's conduct violated Rule 8.1 when he failed to respond in writing to the Office of Professional Conduct's many attempts at getting him to respond to Slaughter's grievance against him. Arkansas Rule 8.1 states that a lawyer in connection with a disciplinary matter, shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

6. That Mr. Oliver's conduct violated Rule 8.4(c) when he took a fee of \$800.00 from his client, Mr. Slaughter, in 2013, and failed to take any action or file any pleadings on his client's behalf. Arkansas Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **CHARLES DWAIN OLIVER**, Arkansas Bar ID #2001009, be, and hereby is, **REPRIMANDED** for his conduct in this matter. In assessing this sanction, Mr. Oliver's prior disciplinary record was a factor. Charles

Dwain Oliver shall also pay a fine in the amount of EIGHT HUNDRED DOLLARS (\$800.00) and costs in the amount of FIFTY DOLLARS (\$50.00) in accordance with Section 18.A. of the Procedures. In addition, §9.C(1) of the Procedures provide that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a suspension of license. The Panel imposes a separate sanction of REPRIMAND for Oliver's failure to respond to the formal complaint and assesses a fine of ONE THOUSAND DOLLARS (\$1,000.00). The two fines and cost assessed herein totaling ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$1850.00) 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



Michael E. Muffally, Chair, Panel B

Date: 2/22/2018