

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: CHARLES DWAIN OLIVER
ARKANSAS BAR ID #2001009
CPC Docket No. 2018-002

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. Melvin Junior in a bankruptcy matter. Mr. Oliver is an Arkansas licensed attorney practicing primarily in Hampton, Arkansas.

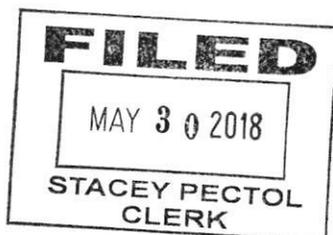
1. In September 2015, Junior hired Oliver to file a chapter 7 bankruptcy.
2. On September 14, 2015, Junior paid Oliver a total of \$1,500.00 for the representation.
3. After paying the money, Junior has had not been able to get in contact with Oliver.
4. Oliver did not take any action, nor did he file Junior's chapter 7 bankruptcy case. A

search of PACER system for the Bankruptcy Courts of Arkansas for Melvin L. Junior show the last bankruptcy case was in 2004.

5. Oliver did not provide Junior with a refund of the \$1,500.00 paid to him.
6. Junior filed a grievance with the Office of Professional Conduct (OPC) in mid-2017.
7. OPC made several unsuccessful attempts at getting Oliver to respond in writing to the allegations made against him in Junior's grievance by written communication and telephone calls to Oliver. No written response was ever 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, Melvin Junior. 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 2015. 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. Junior, 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 8.1 when he failed to respond in writing to the Office of Professional Conduct's many attempts at getting him to respond to Mr. Junior'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.

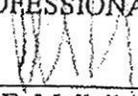
5. That Mr. Oliver's conduct violated Rule 8.4(c) when he took a fee of \$1500.00 from his client, Mr. Junior, in 2015, and failed to take any action or file any pleadings on his client's behalf. Arkansas Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

6. That Mr. Oliver was served with the Formal Complaint and Summons in this matter on January 10, 2018. He failed to file a response and pursuant to §9.C(1) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, all allegations as are deemed admitted, and Mr. Oliver has waived any right to a panel hearing in this matter.

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, **SUSPENDED FOR A PERIOD OF**

FOUR (4) MONTHS for his conduct in this matter. In assessing this sanction, Mr. Oliver's prior disciplinary record was a factor. Charles Dwain Oliver shall pay restitution in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500.00) in accordance with Section 18.C of the Procedures. Mr. Oliver shall also pay court reporter fees in the amount of SIXTY (\$60.00) DOLLARS, 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. The restitution and costs assessed herein totaling ONE THOUSAND SIX HUNDRED TEN (\$1,610.00) DOLLARS 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. Mullally, Chair, Panel B

Date: _____

